



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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19 अक्टूबर, 1974/27 आश्विन, 1896 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:-

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 13-56/72-LSG-I, dated the 9th October, 1974.	Local Self Government Department	Notifying for the exemption from the payment of octroi duty on the goods purchased mainly in the nature of uniforms and equipments.
No. 8-15/72-Housing, dated the 10th October, 1974.	Housing Department	Acquisition of land for the extension of the Hamirpur town under section 17(4) of the Land Acquisition Act, 1894.
No. 2-18/72-MPP (sectt.), dated the 10th October, 1974.	Multipurpose Projects and Power Department	Acquisition of Land for the construction of staff quarters and S. O. office under section 6 of the Land Acquisition Act, 1894.
No. LSG-c(9)-26/74, dated the 20th September, 1974.	Local Self Government Department	Notifying the imposition of revised Octroi Schedule in the Municipal Corporation, Simla.
No. 13-8/71-LSG, dated the 5th October, 1974.	-do-	Levying a surcharge of 25% on certain rates of Octroi in Municipal Committee, Kangra.
No. 33-67/73-GS (9), dated the 11th October, 1974.	Governor's Secretariat	Dismissing the petition of Shri Madhavindra Sharma.

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार PERSONNEL DEPARTMENT NOTIFICATIONS

Simla-171002, the 23rd September, 1974

No. 3-10/73-DP(Apptt.).—In supersession of Government notification of even number, dated the 3rd July, 1974, the Governor, Himachal Pradesh, is pleased to order that Shri Rikhi Ram Sharma, Under Secretary to the Government of Himachal Pradesh shall retire from Government service on attaining the age of superannuation with effect from 30th September, 1974 (A.N.).

Simla-2, the 17th September, 1974

No. 10-4/73-DP(A-II).—The Governor, Himachal Pradesh is pleased to nominate the following as Members of the Advisory Committee on Minorities, constituted *vide* this Department notification of even number, dated the 9th November, 1973:—

1. Mrs. Lajjya Raghubir Singh, Jakhu, Simla.
2. Mrs. Kamla Sharma, P.O. Rajpur, Tehsil Palampur, District Kangra.

2. Accordingly, the names of the above lady Members shall be added at Serial No. 14 and 15 of the list of members as mentioned in para one of this Department notification of even number, dated the 9th November, 1973, as further amended *vide* notification of even number, dated the 5th April, 1974.

3. Mrs. Lajjya Raghubir Singh will look after the welfare of the wives, widows and children of particularly ex-servicemen and Mrs. Kamla Sharma will look after the welfare of other women particularly in the rural areas.

4. They will be allowed T.A./D.A. as admissible to other Members of the Advisory Committee on Minorities, as provided in this department notification of even number dated the 25th February, 1974.

5. The Governor, Himachal Pradesh is further pleased to allow Rs. 800 per month as honorarium to each of them.

6. The expenditure will be debitable to Head "288—Social Security and Welfare-C-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes (a) Direction and Administration-(a)(i) Directorate".

7. This issues with the concurrence of the Finance Department obtained *vide* their U.O. No. 2256, dated 2-9-1974.

Simla-2, the 21st September, 1974

No. 1-6/74-DP (Apptt.).—The Governor, Himachal Pradesh is pleased to order the following transfers and postings, with immediate effect in public interest:—

1. On the completion of his training in the H.P. Institute of Public Administration, Fair Lawn, Simla, Shri Shivchand Thakur, H.A.S., is posted as Sub-Divisional Magistrate, Rohroo, District Simla *vice* Shri P.B. Sharma, H.A.S., transferred; and

2. Shri P.B. Sharma, H.A.S., Sub-Divisional Magistrate, Rohroo, District Simla is transferred

and posted as General Assistant to Deputy Commissioner, Mandi (vacant post).

Simla-2, the 21st September, 1974

No. 1-6/74-DP(Apptt.).—The Governor, Himachal Pradesh is pleased to cancel the transfer and posting orders of Sarvshri Nand Lal, Sub-Divisional Magistrate, Kulu as Excise and Taxation Officer, Simla and Shivchar Thakur, H.A.S., D.D and P.O., Kulu as Sub-Divisional Magistrate, Kulu, as ordered *vide* this department's notifications of even number, dated the 14th and 16th May, 1974, respectively.

Simla-2, the 24th September, 1974

No. 1-6/74-DP(Apptt.).—In partial modification of this department notification of even number, dated the 26th August, 1974, the Governor, Himachal Pradesh is pleased to order the following transfers and postings with immediate effect in public interest:—

1. Shri R.S. Chopra, H.A.S., Sub-Divisional Magistrate, Paonta Sahib, District Sirmur is transferred and posted as Sub-Divisional Magistrate, Rajgarh, District Sirmur *vice* Shri Shamsher Singh.

The posting orders of Shri Shamsher Singh, H.A.S. Sub-Divisional Magistrate, Rajgarh, District Sirmur is being issued separately.

Simla-2, the 24th September, 1974

No. 6-1/74-DP(Apptt.).—The Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to appoint Shri N.S. Gautam, substantive District Co-operative and Supplies Officer presently posted as Deputy Director, Civil Supplies, (H.P.), on probation to the Himachal Pradesh Administrative Service under rule-15 of H.P.A.S. Rules, 1973.

2. The Governor is further pleased to order the posting of Shri N. S. Gautam, Deputy Director of Civil Supplies, H.P. as Assistant Excise and Taxation Commissioner, Himachal Pradesh, Simla (vacant post), with immediate effect.

Simla-2, the 28th September, 1974

No. 3-10/73-DP(Apptt.).—The Governor, Himachal Pradesh is pleased to refuse 120 days Leave Preparatory to Retirement in favour of Shri Rikhi Ram Sharma, Under Secretary to the Government of Himachal Pradesh, in the exigencies of public service. This refused leave may be availed of by Shri Rikhi Ram Sharma, with effect from 1st October, 1974 to 28th January, 1975, in relaxation of last para of Govt. of India, Cabinet Secretariat O. M. No. 3/1/72-Estt. (A), dated 1.9.72 as the reasons advanced by Shri Rikhi Ram Sharma for late submission of his application for Leave Preparatory to Retirement are considered as genuine and sufficient for according such relaxation.

2. The refusal of leave shall not entail automatic extension of service and, as such, during his leave, Shri

Rikhi Ram Sharma will not have any lien on his permanent post.

3. This issues with the prior concurrence of the Finance Department obtained *vide* their U. O. No. 2439, dated 20-9-74.

Simla-2, the 28th September, 1974

No. 10-4/73-DP-Apptt.—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint the following officers to be the Executive Magistrates, with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of their respective jurisdictions with immediate effect:—

1. Shri D. D. Gupta, Tehsildar, Hamirpur.
2. Shri Mehar Singh, Naib-Tehsildar, Hamirpur.
3. Shri Om Parkash, Naib-Tehsildar, Hamirpur.

Simla-2, the 3rd October, 1974

No. 1-18/73-DP (Apptt.)—The Governor, Himachal Pradesh, is pleased to promote Shri C. L. Gupta, a substantive Section Officer of Himachal Pradesh Secretariat to officiate as Under Secretary to the Government of Himachal Pradesh in the scale of Rs. 900-50-1250, with immediate effect, purely on temporary basis for a period of three months or till such time the post is filled on regular basis, whichever is earlier.

AJAY PRASAD,
Joint Secretary.

Simla-2, the 4th October, 1974

No. 1-6/74-DP(APPTT.)—The Governor, Himachal Pradesh is pleased to order the transfer and posting of Shri D. R. Tanwar, General Assistant to Deputy Commissioner, Bilaspur, as General Assistant to Deputy Commissioner, Solan district, Solan, with immediate effect in public interest.

U. N. SHARMA,
Chief Secretary.

Simla-2, the 4th October, 1974

No. 1-38/57-DP-Apptt. I.—In continuation of this Department notification of even number, dated the 7th August, 1974, the Governor, Himachal Pradesh is pleased to accord sanction to the grant of extension of 14th days earned leave *w.e.f.* 25-8-1974 to 7-9-1974 with permission to suffix Sunday falling on 8-9-1974 in favour of Shri Swarupa Nand, I.A.S., Deputy Commissioner, Una.

Simla-2, the 4th October, 1974

No. 10-5/72-DP-Apptt. I.—In exercise of the powers conferred by section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri Harbans Singh, Tehsildar Ghumarwin, District Bilaspur, to be the Executive Magistrate, with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of Ghumarwin Sub-Division, District Bilaspur with immediate effect.

Simla-2, the 4th October, 1974

No. 10-5/73-DP-Apptt. I.—In exercise of the powers conferred by section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri Paras Ram, Tehsildar Sadar, District

Bilaspur, to be the Executive Magistrate, with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of Sadar Sub-Division, District Bilaspur, with immediate effect.

AJAY PRASAD,
Joint Secretary.

AGRICULTURE DEPARTMENT CORRIGENDUM

Simla-2, the 21st September, 1974

No. 12-2/73-Agr.(Sectt.)—Please read the budget head "305—Agriculture" in place of "105—Agriculture" appearing in second line of para 4 of this Department notification of even number, dated the 27th August, 1974.

K. C. PANDEYA,
Secretary.

NOTIFICATION

Simla-171002, the 24th September, 1974

No. 43-3/73-Agr. (Sectt.)—Whereas it appears to the Governor of Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely, for the establishment of Vegetable Farm for the production of nucleus and foundation vegetables, seeds and testing of new varieties for the improvement of vegetables for further multiplication by the growers of Himachal Pradesh at village Ber, Pargana Takroli, District Solan, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Solan district is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Solan district.

SPECIFICATION

District: SOLAN

Tehsil: SOLAN

Village	Pargana	Khasra No.	Area	
			Big.	Bis
BER TAKROLI		170	3	8
		112		
		112 min		
		119		
		114	1	6
		117	1	0
		121	1	6
Total			7	0

NIHAL SINGH,
Under Secretary.

COMMUNITY DEVELOPMENT DEPARTMENT NOTIFICATIONS

Simla-4, the 10th September, 1974

No. 4-76/73-E(Dev.)—The Governor, Himachal Pradesh is pleased to order that Shri Shama Nand, Head Clerk, Theog Block will hold the current charge of the

post of Block Development Officer, Theog Block temporarily in addition to his own duties with immediate effect without getting any extra remuneration till regular arrangements to fill up this post are made.

Simla-4, the 25th September, 1974

No. 4-76/73-E(Dev.).—The Governor, Himachal Pradesh is pleased to order that Shri Sukh Dass Rana, Social Education Organiser, Spiti Block, Kaza will hold the current charge of the post of Block Development Officer, Spiti Block, Kaza temporarily in addition to his own duties with effect from the date on which Shri Sonam Phonchog, Block Dev. Officer, Kaza handed-over the charge of Spiti Block without getting any extra remuneration till regular arrangements to fill up this post are made.

K. C. PANDEYA,
Secretary.

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Simla-171002, the 28th September/1st October, 1974

No. 6-4/72-E&T. Sectt.—In exercise of the powers conferred by section 12 (3) of the Himachal Pradesh Entertainment Duty Act, 1968, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to accord sanction to the grant of exemption from liability to pay entertainment duty on all the shows of open boxing championship at Simla on 3rd and 4th September, 1974.

2. The exemption is granted subject to the condition that the net proceeds from sale of tickets will be utilised for the promotion of sports of boxing in Himachal Pradesh.

3. This issues with the prior concurrence of the Finance Department obtained *vide* their U. O. No. 1548, dated 9-9-74.

P. K. MATTOO,
Secretary.

FINANCE DEPARTMENT (TREASURIES & ACCOUNTS ORGANISATION) NOTIFICATION

Simla-2, the 20th September, 1974

No. 3-1/74-Fin. (T&A).—The Governor, Himachal Pradesh, on the recommendations of the Departmental Promotion Committee, is pleased to promote the following Assistant Accounts Officer and S.A.S. qualified Treasury Officers to the posts of Accounts Officer/Chief Accounts Officer/Inspection Officer (Treasuries) in the pay scale of Rs. 400-30-700/40-1100 on regular basis with immediate effect in the order of seniority given below:—

1. Shri Rang Bihari Lal, Assistant Accounts Officer. Accounts Officer against the post of Accounts Officer in the office of the Chief Engineer, H.P. P.W.D., Simla.
2. Shri Chander Shekhar S.A.S. qualified Treasury Officer. Promoted as Chief Accounts Officer against the post of Chief Accounts Officer in the

office of the Commissioner Transport, H.P., Simla.

3. Shri J. R. Abrol, S.A.S. qualified Treasury Officer. Promoted as Inspection Officer (Treasuries) against the post of Inspection Officer (Treasuries) in the T&A Organisation (H.Q.).

2. The Governor, Himachal Pradesh, is further pleased to order that on their promotion, Sarvshri Chander Shekhar and J. R. Abrol will continue to work in the Transport Department & T&A Directorate respectively and Shri Rang Bihari Lal will continue to work on deputation with the Mandi-Kulu Road Transport Corporation, Mandi.

ANANG PAL,
Secretary.

FOREST DEPARTMENT NOTIFICATION

Simla-171002, the 25th September, 1974

No. 1-205/70-SF(Est.).—The Governor, Himachal Pradesh is pleased to place the services of Shri Romesh Chandra, I.F.S., Conservator of Forests at the disposal of the Government of India, Ministry of Agriculture for his appointment on deputation, to the post of Chief Co-ordinator, Pre-investment Survey of Forests Resources, Dehradun, with effect from 25th July, 1974 (F.N.).

2. This supersedes this Department notification of even Number, dated 6-8-74.

P. K. MATTOO,
Secretary.

FOOD AND SUPPLIES DEPARTMENT NOTIFICATIONS

Simla-2, the 28th September, 1974

No. 1-20/72-Coop (F/S).—The Governor, Himachal Pradesh is pleased to appoint Shri M. R. Shankta, Distt. Food & Supplies Officer (Hqrs.), Simla to the post of Deputy Director, Food & Supplies, Himachal Pradesh, Simla in the pay scale of Rs. 400—1100 (Class II Gazetted) with effect from the date he takes over the charge of the said post for a period not exceeding three months *vice* Shri N. S. Gautam, Deputy Director, Food and Supplies, H. P., who has been appointed to the Himachal Pradesh Administrative Service purely as a local arrangement in the public interest. This will, however not, confer any benefit on him in the matter of seniority, future promotion etc.:

Simla-2, the 30th September, 1974

No. FDS.B(2)-15(2)/74-Rectt.—The Governor, Himachal Pradesh, is pleased to terminate the *ad hoc* appointment/promotion of Shri Rattan Chand, as District Food & Supplies Officer, Chamba, with effect from the date Shri Milap Chand Guleria, District Food & Supplies Officer joins there.

By order,
M. S. MUKHERJEE,
Secretary.

HOME DEPARTMENT NOTIFICATION

Simla-2, the 4th October, 1974

No. 2-10/72-Home (A).—In exercise of the powers conferred by sub-clause (ii) of clause (f) of rule 2 of the Arms Rules, 1962, the Governor, Himachal Pradesh is pleased to empower all the Sub-Divisional Magistrates in Himachal Pradesh to exercise the powers of the District Magistrates under the Rules within their respective jurisdiction for renewal of licences under the Arms Rules, 1962.

By order,
U. N. SHARMA,
Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT

CORRIGENDUM

Simla-2, the 21st September, 1974

No. 16-12/72-H&FP.—Please read village "Kamroo" Village "Sangla" notified below specification in the Government notification of even number, dated 8-8-1973 and also substitute the following, under the specification thereof:—

- (1) Khasra No. 3138/1099=1 Bigha and 7 Biswas.
- (2) Khasra No. 3139/1099=0 Bigha and 19 Biswas.

Total .. 2 Bighas and 6 Biswas.

C. M. CHATURVEDI,
Secretary.

NOTIFICATION

Simla-171002, the 24th September, 1974

No. 1-73/69-H&FP.—Consequent upon the redesignation of the posts of Assistant Dental Surgeon (Non-Gazetted) as Dental Surgeon (Gazetted) w.e.f. 1-2-1968 as ordered vide this Government letter of even number, dated 26-6-73, the Governor, Himachal Pradesh is pleased to order that the following Assistant Dental Surgeons (Non-Gazetted) shall be deemed to have assumed the charge of the post of Dental Surgeon (Gazetted) from the dates shown against each:—

- | | |
|---------------------------|------------|
| 1. Dr. Rattan Singh Verma | 1-2-1968. |
| 2. Dr. Rakesh Kumar Garg | 1-2-1968. |
| 3. Dr. B.K. Bali | 1-2-1968. |
| 4. Dr. Shashi Pal Samwal | 1-12-1969. |

Simla-2, the 24th September, 1974

No. 1-132/73-H&FP.—On the recommendations of Himachal Pradesh Public Service Commission, the Governor, Himachal Pradesh, is pleased to appoint Dr. Sat Pal Singh Thakur as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 w.e.f. 12-6-1974 (F.N.). He will be on probation for a period of two years.

Simla-2, the 24th September, 1974

No. 1-160/73-H&FP.—On the recommendations of Himachal Pradesh Public Service Commission, the Governor, Himachal Pradesh, is pleased to appoint Dr. Surender Kumar Jarhyan as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 w.e.f. 12-6-1974 (F.N.). He will be on probation for a period of two years.

Simla-2, the 24th September, 1974

No. 1-133/73-H&FP.—On the recommendations of Himachal Pradesh Public Service Commission, the Governor, Himachal Pradesh, is pleased to appoint Mrs. Pratima S. Thakur as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 w.e.f. 12-6-1974 (F.N.).

B. D. SHARMA,
Deputy Secretary.

Simla-2, the 3rd October, 1974

No. 1-69/72-74 H&FP.—The Governor, Himachal Pradesh, is pleased to order the re-instatement of Dr. Narain Dass Thakur, G.D.O-II with immediate effect and further to post him in District Hospital, Keylong, District Lahaul and Spiti.

R. C. GUPTA,
Secretary.

PLANNING DEPARTMENT

NOTIFICATION

Simla-2, the 24th September, 1974

No. 1-13/73-Plan.—The Governor, Himachal Pradesh is pleased to nominate the Assistant Agriculture Marketing Officer, Palampur, District Kangra, as a member of the District Development Committee, Una district.

By order,
B. K. SHARMA,
Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-171002, the 19th September, 1973

No. 9-9/73-PW(B).—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Bhunter to Mani Karan Road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D. is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh P.W.D., H.P. Mandi and Kulu districts.

SPECIFICATION

District: KULU

Tehsil: KULU

Village	Khasra No.	Area	
		Big.	Bis.
FATHI CHONG	1973/1852/3/1	0	1
	1974/1857/2/1	0	1
	1860/1	0	1
	1862/1	0	4
	1863/1	0	1
Total Kita 5 ..		0	8

Simla-171002, the 23rd September, 1974

No. 9-14/73-PW-B.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Approach Road to P.W.D. quarter at Shamsi, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of power conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within 30 days of the publication of this notification, file an objection before the Collector of Kulu district, Kulu, Himachal Pradesh.

SPECIFICATION

District: KULU

Tehsil: KULU

Village	Khasra No.	Area in	
		Big.	Bis.
SHAMSHI	1667/157/1	0	2

Simla-171002, the 23rd September, 1974

No. 9-12/73-PW(B).—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for Panoh-Harlog-Smella road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, U.S. Club, Simla-1.

SPECIFICATION

District: BILASPUR

Tehsil: GUHMARWIN

Village	Khasra No.	Approximate Area	
		Big.	Bis.
1	2	3	4
TUNDWIN/514	110/1	0	1
	161/1	0	12
Total	2	0	13

1	2	3	4
BARDIN/496	65/1	0	13
	66/1	0	1
	68/1	1	3
	79/1	1	5
	82/1	0	16
	78/1	0	9
	38/1	2	2
	81/1	0	15
	56/1	0	11
	111/67/1	2	1
	76/1	0	1
	76/4	0	12
	77/1	0	4
Total	13	10	16

TANTHA/502	237/1	0	10
	332/1	1	6
	332/2	1	9
	339/1	0	6
	234/1	1	6
	329	0	2
	340/1	0	12
	338/1	0	3
	258/1	0	1
	258/2	0	1
	260/1	0	1
	284/1	0	12
	262/1	1	0
	226/1	0	2
	261/1	0	1
	203/1	0	7
	325/1	0	4
	325/2	0	1
	338/1	0	3
	225/1	0	6
	336/1	0	6
	259/1	0	9
	289/1	0	1
	331/1	0	2
	290/1	0	8
	285/1	1	9
	347/1	0	12
	272/1	0	2
	317/1	0	6
	346/1	0	10
	288/1	1	0
	229/1	0	7
	341/1	4	15
	366/1	2	4
	221/1	0	7
	232/1	0	6
Total	36	22	7

ROHIN/473	634/1	0	1
	633/1	2	12
	439/1	0	14
	431/1	0	10
	431/3	0	3
	413/1	0	10
	430/1	0	9
	430/4	0	8
	436/1	0	14
	435/1	1	1
	414/1	0	2
	441/1	0	13
	351/1	2	2
	352/1	0	5

1 2 3 4

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within 30 (thirty) days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, H.P. P.W.D., Kangra.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Village	Tikka	Khasra No.	Area
1	2	3	K. M. 4 5
DUGHARI SANAURA	453/1		1 12
	452/1		0 6
	446/1		0 13
	445/1		2 12
	149/1		0 11
	444		1 8
	150/1		0 4
	165/1		1 18
	388		0 10
	166/1		0 5
	167/1		0 1
	168/1		0 12
	170/1		0 6
	171/1		0 4
	172/1		0 1
	210/1		0 5
	216/1		0 5
	218/1		0 10
	222/1		0 9
	250		1 5
	251/1		0 1
	253/1		0 10
	254/1		1 9
	385		2 15

Total .. 18 12

CHESTRU KHAS

89/1	0 15
90/1	0 4
91/1	0 18
68/1	0 10
67/1	0 12
66/1	0 15
64/1	0 6
65/1	1 12
49/1	0 5
30/1	0 3
48/1	0 18
47/1	0 15
46/1	2 3
45/1	0 4
96/1	3 3

Total .. 13 3

SARAH GUJREEA 1/1 3 9
28/1 0 9

Total .. 49 45 13

BALDWARHA/497

71/1	0 2
72/1	0 1
72/2	0 12
80/1	1 5
81/1	0 3
82/2	0 1
174/1	0 7
164/1	0 11
176/1	0 17
178/1	2 8
178/4	0 8

Total .. 11 6 15

KOTHI/508

63/1	3 11
66/1	1 4
77/1	1 16
75/1	1 3
62	0 2

Total .. 5 7 16

Simla-171002, the 25th September, 1974

No. S/9-13/73-PW-(B).—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be acquired to be taken by Government at public expense for a public purpose, namely for construction of Gaggal-Dharamsala road km. No. 1 to 5 via village Sarah in Kangra district, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

1	2	3	4
	29/1	1	0
	40/1	1	12
	41/1	0	10
	44/1	3	16
	49/1	3	0
	9	0	10
	52/1	0	18
	100/1	1	17
	101/1	0	1
	102/1	0	14
	103/1	1	9
	104/1	2	3
	108/1	0	9
	55/1	0	10
	113	0	7
	113/1	0	2
	130/1	0	2
	158/1	4	3
	156	0	15
	152/1	0	7
	159	0	15
	162/1	0	10
	161/1	0	7
	160/1	0	10
	213/1	40	17
	217/1	9	12
	Total ...	54	16
SARAH PADHIARA	282/1	0	17
	284/1	0	10
	285/1	0	5
	286/1	0	10
	298/1	0	13
	299/1	0	15
	313/1	0	15
	314/1	0	15
	338/1	5	4
	320/1	0	33
	330/1	0	16
	332/1	0	1
	331/1	1	7
	334/1	0	11
	199/1	0	2
	208	0	2
	209	0	2
	210/1	0	10
	207/1	0	4
	211/1	0	2
	213/1	1	3
	214/1	0	3
	206/1	0	3
	204/1	0	3
	215/1	1	2
	217/1	0	15
	216/1	0	8
	Total ..	18	5
SARAH GUMARKAR	77/1	0	7
	76/1	0	12
	75/1	0	7
	74/1	0	5
	67/1	0	1
	66/1	0	4
	65/1	0	12
	63/1	0	14
	54/1	0	13
	52/1	0	7

1	2	3	4
	51/1	0	10
	45/1	0	18
	42/1	0	19
	39/1	1	16
	3/1	1	2
	41/1	0	1
	Total ..	9	8
	Grand Total ..	141	4
	By order, GANGESH MISRA, Secretary.		

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-171002, the 21st September, 1974

No. 17-21/69-Rev. II.—Whereas the measurement of Revenue Estates Jaie and Teban, Tehsil Karsog, District Mandi have been found to be wrong by the Settlement Officer Mandi/Kangra and fresh record of rights have to be prepared for these estates, now therefore, the Governor, Himachal Pradesh, in pursuance of section 33(2) of the Himachal Pradesh Land Revenue Act, 1953, is pleased to order that fresh record of rights be prepared for these estates.

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

Simla-2, the 27th September, 1974

No. 2-38/65-Rev-I.—In partial modification of this Department's notification of even number, dated the 15th January, 1974, the Financial Commissioner, Himachal Pradesh is pleased to cancel the transfer of Shri Lajja Ram Dhauta, Tehsildar from Arki to Rampur order vide this Department notification of even number, dated 15-1-74. His further posting orders are being issued separately.

By order,
K. C. CHAUHAN,
Under Secretary.

Simla-2, the 27th September, 1974

No. 2-38/65-Rev. I.—The Financial Commissioner, Himachal Pradesh, on the recommendations of Departmental Promotion Committee and in consultation with Himachal Pradesh Public Service Commission is pleased to allow to continue further, the following *ad hoc* Tehsildars, on *ad hoc* basis in the scale of Rs. 350-25 500-30-590/30-800 till the stay issued by the Hon'ble High Court, Himachal Pradesh on the L. P. A. filed by S/Shri K. L. Bekta and Mohan Lal Sharma, Naib-Tehsildars, Solan and Kandaghat respectively is vacated or the final decision on the writ Petition whichever is earlier:—

1. Shri Dila Ram Hazari
2. Shri Prem Singh
3. Shri H. K. Sharma

TOURISM DEPARTMENT NOTIFICATION

Simla-2, the 23rd September, 1974

No.—Whereas it appears to the Governor of Himachal Pradesh that land is required to be taken by the Government on the public expense for a public purpose, namely for development of mineral water at Kalath near Manali in Tehsil & District Kulu, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the S.D.O. (Civil)-cum-Land Acquisition Collector, is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the office of the Land Acquisition Collector, Kulu (Sub-Divisional Officer, Civil, Kulu).

SPECIFICATION

District: KULU			Tehsil: KULU	
Name of Phati	Khewat/ Khatauni	Khasra No.	Area in Big. Bis.	
SHALIN	195/406	2285	0	4
	280/558	2284/1	0	4
	44/68	2286/1	0	12
	273/542	2287/1	0	3
	196/407	2419/2289	0	6
Total			1	9

- Shri Ram Swaroop Bali
 - Shri Dharam Vir
 - Shri Bidhi Singh
 - Shri Sewak Ram
 - Shri Lal Chand
 - Shri Lajja Ram
 - Shri Yado Patti
 - Shri Amar Nath
 - Shri Harnam Singh
 - Shri Surinder Mohan (Selected in H.A.S.).
2. The Financial Commissioner is further pleased to allow S/Shri I. S. Chandel and Mangu Ram to continue as Tehsildars on *ad hoc* basis till further orders.

Simla-2, the 27th September, 1974

No. 2-38/65-Rev.I.—The Financial Commissioner, Himachal Pradesh on the recommendations of Departmental Promotion Committee and in consultation with Himachal Pradesh Public Service Commission is pleased to promote the following Naib-Tehsildars as officiating Tehsildars on *ad hoc* basis in the scale of Rs. 350-25-500-30-590/30-800 with immediate effect:—

S. No.	Name	Place of present posting.
1.	Shri Punnu Ram	Shillai.
2.	Shri Gopi Chand	Rampur.
3.	Shri Chander Mohan	Theog.
4.	Shri Ram Singh	Settlement Kangra.
5.	Shri Hari Saran	Land Acquisition, Solan.
6.	Shri Devi Chand Sharma	Office of the Divisional Commissioner, Simla.
7.	Sh. D. R. Rajta	Land Acquisition, Kasumpti,

By order,
L. HMINGLIANA TQCHHAWNG,
Financial Commissioner.

By order,
GANGESH MISRA,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएँ इत्यादि

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-5, the 23rd September, 1974

No. 7-11/74-Agr. I.—In exercise of the powers vested in me vide para 2 of rule 1.26 of H.P.F.R., Vol. I, 1971 and Supplementary Rule 191, I hereby declare the Assistant Soil Conservation Officer, Hamirpur, Himachal Pradesh as Head of Office and Drawing and Disbursing Officer as well as Controlling Officer to countersign the T.A. Bills/Medical Re-imbursement claims etc. of Class III and IV Government servants working under him and the Dy. Director of Agriculture (SC.), as Controlling Officer to countersign the T.A. Bills/Medical claims of Class II officers in respect of schemes of Major Head "307—Soil and Water Conservation Plan and Non-Plan" as per details given below:—

Sl. No.	Name of the schemes	Name of Drawing and Disbursing Officers
1.	706—Loans for Major Irrigation, Soil Conservation and area Development (Plan).	Asstt. Soil Conservation Officer, Hamirpur.
2.	307—Soil and Water Conservation (Non-Plan Part-II).	-do-
3.	307—Soil and Water Conservation "Soil Conservation in River Valley Project (Plan)".	-do-

This supersedes all the previous orders and come into force with effect from the date of issue.

B. S. JOGI,
Director.

Office of the Assistant Soil Conservation Officer, Paonta Sahib, District Sirmur, Himachal Pradesh
NOTIFICATION

Paonta, the 23rd September, 1974.

No. AGR. SC (Gen-47)/74.—Sanction of Draft Scheme prepared by the Assistant Soil Conservation Officers, Paonta Sahib, District Sirmur, Himachal Pradesh duly authorized by the District Land Development Committee,

Sirmur district, dated 24-8-74 Scheme Nos. given below sanction of the Scheme under section 5 of the Himachal Pradesh Land Development Act, 1973. The District Land Development Committee, Sirmur district has considered and received no objections. As per the report of Agricultural Inspector concerned following Schemes are hereby sanctioned after full consideration for execution as provided/laid in the Himachal Pradesh Land Development Act, 1973:—

**LIST OF SOIL CONSERVATION SCHEMES IN RESPECT OF PAONTA SAHIB SUB-DIVISION,
RAJGARH SUB-DIVISION, SIRMUR DISTRICT, HIMACHAL PRDASH**

The date on which will be executed: The day or the date of sanction by the Committee.

Sr. No.	Scheme Nos.	Name of Beneficiaries	Village	Khasra Nos.	Area in acres	Estimated cost	The kind of work to be carried out
1	2	3	4	5	6	7	8
Tehsil: PAONTA							
1.	PNT/SMR-1/74-75.	Shri Madan Lal	Rampur-Banjaran	211/101 min.	3.04	4560-00	Lift Irrigation.
2.	PNT/SMR-3/74-75.	Shri Ramji Dass	Madhana	388/1 min.	3.50	5250-00	Soil Cons-cum-Irrigation.
3.	PNT/SMR-5/74-75.	Shri Krishana	Joharan	19, 22, 31.	5.12	7680-00	Lift Irrigation.
4.	PNT/SMR-6/74-75.	Shri Rajeshwar Nath.	Tokion	280/257 min.	1.67	2505-00	Soil Conseryation
5.	PNT/SMR-7/74-75.	1. Shri Atma Singh 2. Shri Baldev Singh	Santokhgarh	31.	3.93	5895-00	Lift Irrigation
6.	PNT/SMR-9/74-75.	Shri Nathu Khan	Jagatpur	52/1.	1.17	1755-00	Soil Conservation.
Tehsil: NAHAN							
7.	NHN/SMR-10/74-75.	1. Shri Mata Ram 2. Shri Balwant Singh 3. Shri Bhag Singh 4. Shri Hukmi	Jarja	216/8, 17.	10.00	12114-00	-do-
Tehsil: PAONTA							
8.	PNT/SMR-16/74-75.	1. Shri Durga Singh 2. Shri Jagat Singh 3. Shri Narain Singh	Paraduni	113/10, 230/54 110/8, 111/9, 112/10.	5.32	7389-00	Gravitational Irrigation.
9.	PNT/SMR-17/74-75.	S/Shri Rustam, Sarju, Mukhtyar Mohammed, Rulia and Latif	Bhagwanpur	182.	9.25	12832-00	Lift Irrigation.
10.	PNT/SMR-18/74-75.	S/Shri Ram Krishan, Kundan Bharta.	Bhadripur	3 min, 59 min, 81 min. 80 min, 58, 81, 59, 79, 59 min, 80, 81, 3 min.	10.99	15946-00	-do-
11.	PNT/SMR-19/74-75.	S/Shri Harkit Singh, Baldev Singh, Kuldip Singh, Bhajan Singh.	Bhatanwali	299/115 min, 299/115, 298/115.	2.40	36-00	-do-
12.	PNT/SMR-20/74-75.	S/Shri Gurdial Singh, Karamvir Singh, Baldev Singh, Gurpal Singh.	Paonta	85, 87 min, 89, 90, 95, 108, 91, 81, 82 min, 111, 113, 117, 87 min, 115.	23.12	33356-00	-do-
13.	PNT/SMR-21/74-75.	Shri Jainda Ram	Kishanpura	150/1.	7.03	10545-00	-do-
14.	PNT/SMR-22/74-75.	Shri Hari Singh	Bhadripur	468/375, 560/373, 12 and 105.	8.53	12616-00	-do-

1	2	3	4	5	6	7	8
15. PNT/SMR-23/74-75.	S/Shri Sultan Bhatanwali	Paras Smt. Vidya, Smt. Duni, Smt. Amro, Smt. Bhuri.	24 and 49.	11.12	14679-00	Lift Irrigation	
16. PNT/SMR-24/74-75.	Shri Hukmi Ram	Dhaulakuan	347/69, 70, 334/71.	6.17	9247-00	Soil Conservation.	
17. PNT/SMR-26/74-75.	S/Shri Ram Pipliwalla	Chandra, Sumer Chand, Banarsi Dass, Lachhmi, Chand, Om Prakash.	76, 43, 65 min.	14.00	21000-00	Lift Irrigation.	
18. PNT/SMR-27/74-75.	S/Shri Tirlok Singh, Jiwan Singh, Harinder Singh, Malkiat Singh.	Devi Nagar	274/160, 277/166, 275/160, 157/1, 157/1, 159, 276/161, 278/161, 64/10.	6.56	9840-00	-do-	
19. PNT/SMR-28/74-75.	Shri Budh Ram	Taruwala	44, 110, 118, 128/1, 129.	12.29	18435-00	-do-	
<i>Tehsil: PACHHAD</i>							
20. PCD/SMR-51/73-74.	Shri Saroop Singh Arka	Badyog	47, 48, 93, 94.	6.48	4350-00	Contour strips and B.T. work.	
21. PCD/SMR-52/73-74.	S/Shri Surat Singh, Kalyan Singh, Smt. Surmi.	Gadhol	323, 343, 352, 367, 369, 424, 425, 428, 435.	6.66	3728-00	M. Irrigation works	
22. PCD/SMR-53/73-74.	Shri Padam Singh	Gadhol	511/22, 3, 627/11, 52, 4 min. and 58.	7.14	4450-00	Contour strips and B.T. works	
23. PCD/SMR-54/73-74.	Shri Padam Singh	Tikari Jajah	160, 122, 250, 164, 196, 308, 310, 430/228, 435/330, 348.	3.31	2395-00	-do-	
24. PCD/SMR-55/73-74.	Shri Inder Singh, Smt. Shakuntla, Smt. Muni.	Shaya Chhab-ron.	976/641, 981/641, 986/642, 1018/740, 1019/740	2.00	1474-00	-do-	
25. PCD/SMR-56/73-74.	S/Shri Deep Ram, Roop Ram, Mathu Ram, Smt. Rukami.	Jaula	40 min, 54 min, 65 min, 71 min, 122 min, 128, 130, 163 min, 166 min, 228, 252 min, 255, 258 min, 305 min, 309 min, 316 min, and 239.	1.68	1260-00	-do-	
26. PCD/SMR-57/73-74.	S/Shri Amaru, Rohona, Shankar.	Jaula	61 min, 116 min, 177 min, and 322.	1.79	1306-00	-do-	
27. PCD/SMR-60/73-74.	Shri Munga	Dhan	163, 175, 228, 233, 361.	0.59	438-00	-do-	
28. PCD/SMR-62/73-74.	Shri Roop Singh	Kotla Mangan	94, 100, 107, 123, 124, 125, 154, 156, 649/142, 650/142, 655/166, 656/166, 178, 183, 209, 213, 254, 258, 275, 549/280, 293, 350, 733/600, 84, 240, 550/280.	3.66	2430-00	-do-	
29. PCD/SMR-64/73-74.	S/Shri Dhianu, Chhanga.	Bhalag	803, 805, 806, 808, 800, 801, 812.	1.94	1074-00	-do-	
30. PCD/SMR-66/73-74.	S/Shri Het Ram, Baragi.	Bhanat	9, 10/2, 72, 78, 180.	5.80	4350-00	-do-	
31. PCD/SMR-65/73-74.	S/Shri Lachhmi Singh, Jabbar Singh.	Tikari Jajah	99, 100, 101, 181, 431/228, 239, 260, 338, 312, 436/330, 363.	3.04	2262-00	-do-	
32. PCD/SMR-67/73-74.	Smt. Barto Devi	Jolla	100, 137, 160, 169, 173, 189, 203, 241, 333, 45, 67, 70, 92, 323/1.	9.50	7135-00	-do-	

1	2	3	4	5	6	7	8
33. PCD/SMR-69/73-74.	S/Shri Kapoor Singh, Rati Ram, Indarbir Singh.	Thana Kawari	407/1 min, 412/63 min, 83 min, 385/193 min, 432/205, 393/246, 410/20, 94, 103, 128, 407/1 min, 21, 22, 412/63 min, 83 min, 439/388, 440/388, 89, 90, 127, 189, 422/372.	5.55	4170-00	Contour strips & B. T. works.	
34. PCD/SMR-72/73-74.	S/Shri Jalam Singh, Lachhami Singh, Jitia.	Bohal Talia	45, 62, 98 min, 150 min, 59 min, 152, 444/51 min, 127, 154 min, 63 min.	2.51	1886-00	-do-	
35. PCD/SMR-74-73-74.	Shri Madan Singh	Kulath	70/1 min, 39/1.	1.23	922-00	-do-	
36. PCD/SMR-77/73-74.	Shri Sahi Ram	Jhangan	43, 84, 255, 256, 260, 265, 472, 527, 600, 94, 668, 1121/774, 780, 784, 837, 806, 874, 559, 566, 77, 78, 172, 250/1, 533, 172, 707, 712, 713, 800/2, 801, 819, 880, 883, 967, 1008, 888, 844.	3.02	2250-00	-do-	
37. PCD/SMR-80/73-74.	S/Shri Udaya Ram, Kanshi Ram.	Jhangan	1014, 882, 897, 907 min, 1044, 1204/956, 1210/956, 895, 1197/957, 1201/957.	3.52	2640-00	-do-	
38. PCD/SMR-82/73-74.	Shri Atar Singh	Dhar Bagara	481 and 51/1.	6.19	4648-00	-do-	
39. PCD/SMR-83/73-74.	S/Shri Lal Dass, Bansi Ram.	Thara	115, 123, 130, 146, 164, 176, 190, 192, 213, 224, 301, 194, 136, 188, 152, 154, 163, 184, 187, 196, 197, 288, 232, 302.	2.71	2034-00	-do-	
40. PCD/SMR-86/73-74.	Shri Het Ram	Dhar Bagera	33 min, 34 min.	6.30	4878-00	-do-	
41. PCD/SMR-109/73-74.	Treatment of critical eroded area on the Government land in vill. Sher Manon.	Sher-Manon	761 and 766.	40.00	5000-00	Treatment of critically eroded area.	
Tehsil: RENUKA							
42. RNK/SMR-39/72-73.	S/Shri Sahi Ram, Rati Ram.	Deona	168/1, 192, 201, 220, 35, 184, 200, 217, 165, 166, 450, 444, 491, 474, 476.	2.06	1500-00	B.T. work and Contour strips.	
43. RNK/SMR-54/72-73.	S/Shri Jiwan Singh, Gorkhu, Jhatkoo.	Nohra	1712, 1740, 1688, 2022, 1704, 1741, 2110 min, 2113.	0.95	712-00	-do-	
44. RNK/SMR-72/72-73.	S/Shri Nita Ram, Bansi, Hira Singh, Roop Ram.	Chandrona	222, 226, 266, 274, 275, 282, 242, 269, 264 and 284.	2.35	1912-00	-do-	
45. RNK/SMR-74/72-73.	Shri Devi Ram, Smt. Mino Devi, Smt. Surmi Devi.	Bharari	44, 64, 115 min, 120, 147, 149, 153, 159.	2.56	1950-00	-do-	
46. RNK/SMR-82/72-73.	A/Shri Relu, Bir Singh, Ranjan Singh, Smt. Daya, Mathura, Kuvja, Lagani.	Charna	161, 162, 1089, 1098.	1.49	1120-00	-do-	
47. RNK/SMR-84/72-73.	S/Shri Hira Singh, Jiwan Singh, Shib Ram, Surjan Singh.	Charna	399, 685, 647, 650.	0.78	584-00	-do-	

1	2	3	4	5	6	7	8
48. RNK/SMR-87/72-73.	S/Shri Mehar Chand, Gita Ram, Surat Ram.	Sainj	1937/1720, 1901/1760/1720.	8.99	6750-00	B. T. Work and Contour strips.	
49. RNK/SMR-90/72-73.	S/Shri Dhuru, Sobha Ram.	Charna	167 and 78.	1.12	840-00	-do-	
50. RNK/SMR-94/72-73.	Shri Chandan Singh.	Bhawai	1200.	0.42	316-00	-do-	
51. RNK/SMR-99/72-73.	S/Shri Bhoop Singh, Basti Ram, Sahi Ram, S/Smt. Surmi, Sangari, Naraina, Sibbo.	Charna	751, 752, 2263, and 2264.	1.63	1240-00	-do-	
52. RNK/SMR-110/72-73.	Shri Ram Singh	Bharari	217/594.	6.21	4656-00	-do-	
53. RNK/SMR-111/72-73.	Shri Jagat Singh	Sainj	1790/115, 1785/9, 1901/172.	8.65	6490-00	-do-	
54. RNK/SMR-113/72-73.	Shri Bhag Chand	Shamara	11, 14, 34, 62, 89, 92, 119, 130, 180, 233, 241, 244, 249, 338, 344, 358, 377, 394, 399, 416, 515, 655, 744, 773, 786, 843, 846, 846/1.	2.81	2116-00	-do-	
55. RNK/SMR-116/72-73.	Shri Nihal Singh	Bharari	2787.	5.56	4920-00	-do-	
56. RNK/SMR-119/72-73.	Shri Manga Ram	Bharari	2133.	9.78	7334-00	-do-	
57. RNK/SMR-120/72-73.	Shri Jalpu Ram	Bharari	1991.	6.53	4856-00	-do-	
58. RNK/SMR-121/72-73.	Shri Laxmi Singh & Smt. Sajanoo Devi.	Sher-Tandula	144, 304, 300, 418, 511, 188, 199, 465, 473.	1.69	1270-00	-do-	
59. RNK/SMR-124/72-73.	S/Shri Man Singh, Nita Ram, Rati Ram.	Lana-Cheta	917 min, 1001 min, 965 min, 966 min, 974, 1028, 1029, 1032, 994, 1044, 1100 to 1103, and 1106.	6.35	4762-00	-do-	
60. RNK/SMR-126/72-73.	Shri Mina Ram	Sainj	1826/1311, 10, 290, 1923/1760.	13.54	10154-00	-do-	
61. RNK/SMR-127/72-73.	S/Shri Roop Singh Ram, Bhaj, Jati Ram, Balana, Smt. Talsa Devi.	Kuftoo	146, 156, 174, 165, 371, 385, 290, 463, 434, 128, 145, 429, 495, 497, 522, 534 min, 549, 127 min, 130, 151 min, 154, 155, 159, 267, 408, 439 min, 157 and 153 min.	8.04	6030-00	-do-	
62. RNK/SMR-128/72-73.	Shri Mungalu	Sainj	289, 1798/1149 and 115.	7.04	5280-00	-do-	
63. RNK/SMR-129/72-73.	Shri Kanthi Ram, Smt. Rukami Devi	Garari	134, 136, 153, 614/272, 274, 287, 575/1/6/2, 151 and 187.	5.38	3030-00	-do-	
64. RNK/SMR-131/72-73.	Shri Relu Ram	Sainj	726, 109, 1928/1760, 1745/366.	14.51	10880-00	-do-	
65. RNK/SMR-133/72-73.	Shri Chandanoo	Manal	197, 852, 1194, 1266, 1374, 1389, 1392, 1398, 1193, 200, 746, 1225.	3.20	2400-00	-do-	
66. RNK/SMR-134/72-73.	Shri Kalum	Bharari	1923.	4.28	3210-00	-do-	
67. RNK/SMR-135/72-73.	Shri Bhajanoo	Sainj	1806/1200 and 1724/1720.	7.09	5316-00	-do-	
68. RNK/SMR-136/72-73.	Shri Shankar	Sainj	1795/369, 385, 1460, 1801/1149, 1802/1200.	15.94	11540-00	-do-	

1	2	3	4	5	6	7	8
69. RNK/SMR-212/73-74.	Shri Mohi Ram Bumdul	79, 100, 551, 369, 435, 438, 441, 484, 523, 999/722, 1001/722, 996/722.	12.50	9960-00	B. T. Work and contour strips		

P. K. KOCHHAR,
Assistant Soil Conservation Officer.

**OFFICE OF THE DEPUTY COMMISSIONER
(COMPETENT AUTHORITY) SIMLA DISTRICT
HIMACHAL PRADESH**

ORDER

Simla, the 16th September, 1974

CASE OF REQUISITION OF LAND IN VILLAGE JHAKHRI
TEHSIL RAMPUR, DISTRICT SIMLA FOR THE MILITARY
AUTHORITIES

No. 3137/DRA.—Whereas land was requisitioned for the Military authorities in village Jhakhri, Tehsil Rampur (Then District Mahasu), District Simla vide order No. 2/66, dated the 3rd March, 1966 of the Deputy Commissioner of the erstwhile Mahasu district;

And whereas details of land with ownership thereof was given in the schedule attached with the above mentioned order.

And whereas some discrepancies with regard to ownership of land have been discovered.

And now, therefore, it is hereby ordered that the said schedule be corrected and substituted by the one attached with this order showing the correct ownership and this schedule be treated to have been substituted on the the property was requisitioned.

Schedule of the property to be requisitioned under order of Requisition No. 2/66, dated 3rd March, 1966 of the Deputy Commissioner of the erstwhile Mahasu district made under the Defence of India Rules

Name of district.—(Mahasu) now Simla.

Name of tehsil.—Rampur.

Name of village.—Jhakhri.

Particulars of owner/ persons in possession of the property	Particulars (Khasra Nos. etc.) of the land	Area
1	2	Big. Bis. 3 4
Sarvshri Prabhu s/o Zalmu, Santu s/o Shangra Koli owners.	735/684/176 along with one residential house and cow-shed.	11 16
Shri Lal Din s/o Mir Bai Muslman Gujjar owner.	722/168 along with residential house.	3 2
Shri Rajeshwar Singh s/o Rajinder Singh owner.	736/684/176 min 736/684/176 min, 736/684/176 min.	46 2
Shri Shibu s/o Todi owner.	171, 218, 738/219 along with one residential house and cow-shed.	6 3
Shri Rajinder Singh s/o Maharaja Padam Singh owner.	169, 723/168 along with two cow-sheds.	10 17

1	2	3	4
Shri Zindu and Thoie s/o Shri Tilku tenant owner H.P. Government.	175	1	15
Shri Rishi Ram s/o Kumb Dass owner.	729/680/173, 731/681/174, 683/176.	7	1
Shri Lal Din s/o Mir Din occupancy tenant owner Himachal Pradesh Government.	167 along with one residential house and one cattle shed.	1	4
-do-	165/3, 165/5	6	8
Shri Suni Ram s/o Saran Tenant owner Himachal Pradesh Government.	166	4	13
Shri Sidhu	One house	—	—

B. B. TANDON,
Deputy Commissioner.

FOOD AND SUPPLIES DEPARTMENT

OFFICE ORDER

Bilaspur, the 17th September, 1974

No. 10930.—In exercise of the powers 7 of the Himachal Pradesh Salt (Distribution and Price) Order, 1971, delegated to the undersigned under clause 2 (b) by the District Magistrate, Bilaspur, the wholesale rate of iodized salt is fixed as Rs. 21.93 paise per quintal at Chunterwin.

Sd/-
District Food & Supplies Officer,
Bilaspur district (H.P.).

INDUSTRIES DEPARTMENT

DECLARATION UNDER SECTION 24 OF THE ACT

Solan, the 23rd September, 1974

No. US (Loan) 70-71/6210.—Whereas a notice was served on Shri Amar Nath s/o Shri Avtar Singh M/s Lovely Shoe Stores, Solan on 29-4-74 under section 23 of the H.P. State Aid to Industries Act, 1971 as modified and applied to Himachal Pradesh, calling upon the said Shri Amar Nath to pay to me the sum of Rs. 1,429 with interest on or before 2-5-74 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 4,285 and the property described in the schedule

attached is liable for the satisfaction of the said debt.

SCHEDULE

Two Sureties:

1. Shri Dwarka Nath Suri s/o Nanak Chand, Circular Road, Solan.
2. Shri Nanak Chand s/o Shri Gurditta Mal, Circular Road, Solan.

B. S. JASWAL,
District Industries Officer,
Solan district, Solan.

DECLARATION UNDER SECTION 24 OF THE ACT

Solan, the 23rd September, 1974

No. US (Loan) 69-70/6216.—Whereas a notice was served on Shri Dhani Ram s/o Shri Sadhu, Village Kathog, P.O. Patta, Tehsil Solan on 26-4-74 under section 23 of the H.P. State Aid to Industries Act, 1971 as modified and applied to Himachal Pradesh, calling upon the said Shri Dhani Ram to pay to me the sum of Rs. 900 on or before 5-5-74 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 900 and the property described in the Schedule attached is liable for the satisfaction of the said debt.

SCHEDULE

1/3rd share in land comprised in Khata Kita (Nos.) 54, measuring 25-4 bighas in Village Babli, Tehsil Solan.

B. S. JASWAL,
District Industries Officer,
Solan district, Solan.

HIMACHAL PRADESH MEDICAL COLLEGE, SIMLA

NOTIFICATION

Simla-1, the 25th September, 1974

No. MCA-34/74.—In exercise of the powers vested in me under rule 1.26 of the Himachal Pradesh Financial Rules, Vol. I, I hereby declare Shri K. C. Aggarwal, Administrative Officer, H.P. Medical College, Simla as Drawing and Disbursing Officer under Head '280—Medical (c) Education (c) (i) Medical Collage (Plan and Non-Plan)' on his return from training with effect from 21-9-74 (A.N.) vice Dr. N. K. Vaidya, Professor and Head of the Faculty of Preventive & Social Medicine, H.P. Medical College, Simla.

2. The above named officer will also be the Controlling Officer in respect of T.A. bills of Class III and Class IV employees working in Himachal Pradesh Medical College, Simla.

B. P. SINHA,
Principal.

PUBLIC WORKS DEPARTMENT NOTIFICATION

Simla-1, the 18th September, 1974

No. PWE-148-8/68-Vol-VIII-ESII-19827-19906.—In exercise of the powers vested in me under rule 1.26 of Himachal Pradesh Financial Rules, Vol. I, I hereby declare the Executive Engineer, Bharwain Division, H.P. P.W.D. Bharwain as Head of Office and Drawing and Disbursing Officer in respect of the following Head of Account:—

282—Public Health Sanitation & Water Supply

(b) Sewerage and Water Supply, Direction and Administration.

(a) (i) Direction (Plan) Salary.

He will also be Controlling Officer under S.R. 191 for the purpose of T.A. in respect of Class II, III & IV staff working under him.

H. C. MALHOTRA,
Chief Engineer (South).

CORRIGENDUM

Solan, the 12th September, 1974

No. SE-III-G-(R)61-13/74-21553-56.—The Khasra Nos. with its area as detailed below: proposed to be acquired in village Nal, Tehsil Nalagarh, District Solan appearing in the notification issued under sections 6 & 7 of the Land Acquisition Act by the Secretary (P.W.D.) vide his letter No. 2-34/70-P.W.D., dated Simla, 26-2-1971 may be read as under:—

Sl.No.	Already Notified		To be Readas under	
	Khasra No.	Big. Bis.	Khasra No.	Big. Bis.
1.	274/1	0 4		
2.			276/1	0 4
			Newly added	
			174/1	0 17
			263/1	0 1
			307/264/1	0 2

M. L. BANSAL,
Superintending Engineer,
3rd Circle, H. P. P. W. D., Solan.

REVENUE DEPARTMENT NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose*. It is hereby declared that the land described in the specification below is required for the said* purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh, P.W.D. is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh,

P.W.D., Kangra, Himachal Pradesh.

No. SE-VIII/LAK-BSR-Bldg-I-WIII/74-15183-87.

Hamirpur, the 12th September, 1974

*Construction of P.W.D., Sectional Officer quarter at Bhoranj, District Hamirpur (Himachal Pradesh).

SPECIFICATION

District: HAMIRPUR

Tehsil: HAMIRPUR

Village/Tika	Khasra No.	Area
1	2	K. M.
		3 4
BOMSON/BASSI	29	1 12

1

2

3 4

No. SE-VIII/LAK/BSR-Bldg-II-WIII/74-15188-92.

Hamirpur, the 12th September, 1974

*Construction of P.W.D., Store building at Bhoranj in District Hamirpur.

BOMSON/BASSI

31

2 6

B. L. SHARMA,

Superintending Engineer,

8th Circle, H. P. P. W. D., Hamirpur.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

EDUCATION DEPARTMENT

NOTIFICATION

Simla-2, the 25th September, 1974

No. 1-426/72-Sectt. Edu-A.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, and in consultation with the Himachal Pradesh Public Service Commission, the Governor, Himachal Pradesh, is pleased to make the following rules further to amend the Himachal Pradesh Education Department Class III (College Cadre) Rules, 1973, namely:—

1. *Short title and commencement.*—(1) These rules may be called the H.P. Education III (College Cadre) (First Amendment) Rules, 1974.

(2) They shall come into force from the date of issue of this notification.

2. *Additions to col. 7 of Annexure to rules.*—In col. 7 of Annexure 1, attached to the H.P. Education Department Class III (College Cadre) Rules, 1973, the following additions shall be made against the post and at places as under, namely:—

(a) *Lecturer (Degree College):*

after the word "Marks" and before the word 'from' the words "in the subject concerned" may be added.

(b) *Lecturer (College of Education):*

after the word "Marks", and before the word 'with', the words "in the subject concerned" may be added.

(c) *Lecturer in Craft (Leather, Wood-work, Spinning and Weaving):*

after the word "Marks" and before the word 'with', the words "in any subject" may be added.

ANANG PAL,
Secretary.

INDUSTRIES DEPARTMENT

NOTIFICATION

Simla-2, the 7th August, 1974

No. 5-22/72-SI (Estt.).—In exercise of the powers conferred by provision to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the

Governor, Himachal Pradesh is pleased to make the following rules in respect of the Himachal Pradesh Industries Department, Class III Technical (Geological Wing) Service with regard to the following matters, namely:—

- the method of recruitment to the Himachal Pradesh Class III Technical (Geological Wing) Service of the Industries Department;
- the qualification necessary for appointment to such service and posts; and
- the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I—GENERAL

1. *Short title.*—(i) These rules may be called the Himachal Pradesh Industries Department Class III Technical (Geological Wing) Service (Recruitment, Promotion and certain conditions of Service) Rules, 1974.

(ii) These rules shall come into force with effect from the date of publication of this notification in the Official Gazette.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- 'Appointing Authority' means the Director of Industries, Himachal Pradesh (or any other authority appointed by the Himachal Pradesh Government to perform the duties of the Director of Industries, Himachal Pradesh).
- 'Direct Recruitment' means the appointment made otherwise than by promotion from amongst the members of the service or transfer of an official already in the service of the Central Government or of a State Government or of Administration of a Union territory.
- 'Governor' means the Governor, Himachal Pradesh.

- (d) 'Director' means the Director of Industries, Himachal Pradesh (or any other authority appointed to perform the duties of Director in Himachal Pradesh).
- (e) 'Departmental Promotion Committee' means a committee appointed by the Himachal Pradesh Government to recommend existing officials of the Department of Industries, Geological Wing Class III (Technical) Services for promotion to higher grade or class or to recommend candidates for appointments to the posts recruitment to which is not to be made on the recommendations of the Commission.
- (f) 'Government' means the Himachal Pradesh Government.
- (g) 'Member' means a member of Himachal Pradesh Industries Department Class III Technical (Geological Wing) Service.
- (h) 'Scheduled Castes' means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) Order, 1950, as amended by section 19(1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may be amended from time to time.
- (i) 'Service' means the Himachal Pradesh Industries Department Class III Technical (Geological Wing) Service.
- (j) 'Recognised University' means any University incorporated by law in the Union of India or any other University which may be declared by the Central Government to be a recognised University for the purpose of the rules.

PART II—CONSTITUTION OF THE SERVICE AND GENERAL CONDITIONS FOR APPOINTMENT

3. The service shall consist of such number of posts whether permanent or temporary, of each grade specified in Appendix 'A' as the Government may, from time to time determine. Recruitment/Promotion to this service shall be made by the Appointing Authority, on the recommendations of the Commission or Departmental Promotion Committee as the case may be. The rates of pay may be changed by the Government from time to time as the Government may order.

4. *Nationality, eligibility and age etc.*—(I) A candidate for appointment to any post in the service must be—

- a citizen of India, or
- a subject of Sikkim, or
- a subject of Nepal, or
- a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India;

Provided that if he/she belongs to category (c) or (d) he/she must be a person in whose favour a certificate of eligibility has been given by the Government of India;

Provided further that if he/she belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he/she can be retained in service only if he/she has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or

interview and he/she may also provisionally be appointed subject to the necessary certificate being given to him/her by the Government.

(II) Unless he/she is already in Government service must produce:—

- A certificate of good moral character from the Principal Academic Officer of his/her University, College or School or from the Head of the education or technical Institution last attended.
- A certificate of his/her good moral character, from a Gazetted Officer of the Central or State Government or a Member of Parliament or State Legislatures or from some respectable and trustworthy person, who can certify from personal knowledge the identity of the applicant and the correctness of the particulars furnished by him.
- A medical certificate as required by the Service Rules applicable to the other services, of the State of Himachal Pradesh which are in force or may be adapted by the State Government from time to time.
- Declaration to the effect that he has not more than one living wife.
- No person who has more than one wife living or who having a spouse living marries in case in which such marriage is void by reasons of its taking place during the life time of such spouse, shall be eligible for appointment of service.
- No female candidate, who has married a person having already a wife living shall be eligible for appointment.

N.B.—Appointment/recruitment of a person to the service shall be subject to his furnishing an affidavit to the effect that he has only one wife or in the case of a female, that she has not married a man having already a living wife.

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of the rule in clause (v) above subject to observance of the Government instructions in this behalf.

(iii) The minimum and maximum age limits have been shown in the Appendix 'A'.

5. *Educational qualifications, method of recruitment and reservations.*—The educational qualifications and methods of recruitment are indicated in the Statement appended at Appendix 'A'.

6. *Reservations.*—Such percentage of posts as may be prescribed by the Government from time to time shall be reserved for Scheduled Castes, Scheduled Tribes, Backward Class and Released Emergency Commissioned Officer/ex-servicemen, subject to the minimum qualifications being satisfied by them.

7. *Probation of members of service.*—(i) Members of the service, who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

Explanation.—(i) Approved officiating service shall be taken as a period spent, on probation but no member, who is officiating in any appointment shall on the completion of the prescribed probationary period be confirmed until he/she is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his

her period of probation is in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his services or revert him/her to former post if he/she has been recruited otherwise than by direct appointment.

(iii) On the completion of the period of probation of any member, the appointing authority may confirm such member in his/her appointment subject to availability of a permanent post or if his/her work or conduct has in the opinion of the appointing authority, not been satisfactory, may dispense with his/her services or revert him/her to his/her former post, if he/she has been appointed otherwise than by direct recruitment, or may extend the period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extensions if any, shall not exceed 3 years.

8. *Seniority of members of service.*—(1) Persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en-bloc* be senior to all others in that grade.

Explanation.—(a) For the purpose of these rules, persons who are confirmed retrospectively with effect from the date earlier than the issue of these rules; and

(b) Persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules shall be considered to be permanent members of the grade.

(2) Subject to the provision of paragraph (3) below, permanent members of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruitee.*—Notwithstanding the provisions of paragraph (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the

recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

(i) Provided that the persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order, of the merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

(ii) Provided further that a person who does not join within the prescribed period shall lose his/her seniority according to the selection and shall rank in the seniority list next to the person who joined earlier:

(iii) Provided further that he/she shall not lose his/her seniority, if the fact of his/her joining later was caused by circumstances beyond his/her control and for the reasons to be recorded in writing the appointing authority is satisfied that this was so.

(4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade an *inter se* seniority of all eligible persons shall be arranged in a separate list in the order of their date of appointment in their respective grades. Thereafter the duly constituted Departmental Promotion Committee or the other selecting/recommending authority shall select persons for promotion from this list and draw up a merit list which will determine the seniority of persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and promotees.*—The relative seniority of direct recruits and of

RECRUITMENT AND PROMOTION RULES FOR CLASS II (TECHNICAL) POSTS IN

Serial N	Name of post	No. of posts	Classification	Scale of pay	Whether selection or non-selection post	Age for direct recruitment
1	2	3	4	5	6	7
1.	Technical Assistant (Geology).	Two	Class III	Rs. 250—550	N.A.	18 years to 27 years.

promotees shall be determined according to the rotation of vacancies reserved for direct recruits and promotees respectively.

(6) *Transfers.*—The relative seniority of persons appointed by transfer to the service from the subordinate offices or the Central Government or other departments of the State Government, shall be determined in accordance with the order of their selection for such transfer. In case of officials transferred from other departments etc., the previous services will not count for purposes of seniority.

(7) *Explanatory memorandum.*—Where promotions are made on the basis of selection by a Departmental Promotion Committee or the Commission the seniority of such promotees shall be in order in which they are recommended for such promotion by the Committee or Commission where promotions are made on basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

(8) A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment each direct recruit shall be ranked in seniority below three promotees.

Where the quotas are 50% each every direct recruit shall be ranked below promotee. If for any reasons a direct recruit or a promotee cease to hold the appointment in the grade, the seniority list shall not be

re-arranged merely for the purpose of ensuring the proportion referred to above.

9. *Training and examination etc.*—The members of service shall have to qualify examinations or to undergo training as may be prescribed by the Government from time to time for any class of posts.

10. *Liability to transfer.*—Every member of the services shall be liable to transfer anywhere within Himachal Pradesh.

11. *Leave and pension etc.*—In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by the service rules applicable to the other service of the State of Himachal Pradesh which are in force or as may be adapted by the State Government from time to time, unless one has exercised option, otherwise.

12. *Other conditions of service—General.*—In all matters not expressly provided for in these rules the members of the service shall be governed by service rules applicable to other employees of the State of Himachal Pradesh which are in force or as may be adapted by the State Government from time to time unless one has exercised option, otherwise.

13. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission where necessary, relax any of the provisions of these rules with respect to any class or category of persons.

14. *Saving.*—Nothing in these rules shall affect reservations and other concessions required to be provided, for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

THE GEOLOGICAL WING OF INDUSTRIES DEPARTMENT, HIMACHAL PRADESH

Educational and other qualifications required for the direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of vacancies to be filled by various methods	In case of recruitment by promotion/ deputation/ transfer the grades from which the same is to be made	If a D.P.C. exists what is its composition	Circumstances in which H.P. P. S.C. is to be consulted in making recruitment
8	9	10	11	12	13	14
Essential: Three years B.Sc. (Hons.) in Geology or M.Sc. in Geology or applied Geology or I.A.S.M., Dhanbad or M.Sc. Technical I.I.T., Kharagpur or equivalent.	Not applicable	2 years	100% by direct recruitment.	Not applicable.	D.P.C. for Class III posts.	As required under law.
Desirable: Previous field experience/training imparted by the Geological Survey of India.						

(iii) during two months' leave on medical grounds certified by the Medical Officer of the institution or by a Registered Medical Practitioner not below the rank of an Assistant Surgeons; and

(iv) during casual leave permissible under training Manual for Institutions.

(d) Scholarships is not admissible—

- (i) during 10 days special leave for private affairs; and
- (ii) during unauthorised absence.

Note.—Unauthorised absence in second half will be treated as an unauthorised absence for this purpose.

Holidays following during such unauthorised second half absence, shall also be considered as absence.

6. *Refund of Scholarships.*—The amount of scholarships in respect of such period of absence shall be refunded to the Government Treasury through the District Welfare Officer under relevant receipt head and a copy of the Treasury Challan in token of having actually deposited the amount involved shall be kept in the office of the District Welfare Officer.

7. All Scholarship holder trainees of the two years course who—

- (i) do not appear in the test at the end of the 1st year;
- (ii) who appear and fail in the test at the end of first year; and
- (iii) who having passed the test but are not recruited by the employer as apprentices in the August session and are allowed to continue in the Industrial Training Institute in the second year, shall be entitled to draw the scholarships during the second year also subject to fulfilment of the conditions prescribed in this behalf by the Principal/Incharge of the Centre.

8. *Period and rate of Scholarships.*—The scholarships shall be paid at the rate of Rs. 45 per month per trainee subject to the condition that corresponding decrease shall be effected in the rate of Scholarships, if the trainee receives stipend from any other department of the Government so as to limit the total amount of stipend at Rs. 45 per month.

9. *Procedura for award.*—Subject to the provisions of rule 5 of these rules all the trainees belonging to Backward Classes studying in the centre shall be entitled to the grant of scholarships subject to availability of funds in the budget estimates for this purpose. When the funds are limited and it becomes necessary to select the limited number of trainees for the award of technical scholarships, the principle criterion for selection shall be the economic backwardness of the candidates.

10. *Preparation of lists.*—The Principals/Incharges of the Centres shall within one month of the commencement of the session, at the latest, submit lists of eligible trainees to the District Welfare Officer concerned indicating names of trainees, courses, period of training, whether belong to backward class and total financial implications involved in the form given in Annexure 'B' alongwith such other certificates as may be prescribed by Director from time to time.

11. *Certificates.*—The Principals/Incharges of the

Centres shall record following certificates in the Annexure 'B' and forward the same to the District Welfare Officer concerned:—

- (i) that the trainees are bonafide Himachali,
- (ii) that the trainees belong to Backward Class,
- (iii) that the trainees are not drawing any stipend from any other source.

OR

That the trainees at Sl. No. are receiving Rs. per month from Department as Scholarship,

- (iv) that the trainees are not plucked candidates.

12. *Submission of proposals.*—The District Welfare Officer shall send proposals to the Director for sanction, after getting the lists received from the Principals/Incharges of the Centres, approved from the District Committee.

13. *Mode of Disbursement.*—The District Welfare Officer shall draw the amount on receipt of sanction orders after getting scholarships bills from the centres every month. The payment to the trainees shall be made by the District Welfare Officer concerned in the respective institutions in the presence of Principals/Incharges of the centres after getting bond executed by the trainees once in the beginning of the session in the form Annexure "C".

14. *Lapse/withdrawal of funds.*—If for any reasons a trainee in whose favour the scholarships under these rules is sanctioned, leaves the centre during the course of training, he shall be liable to refund to the Government entire amount of scholarship awarded to him during the period from commencement of the training till the date of leaving the training. This amount alongwith the unspent amount of scholarship shall be refunded in Government treasury under appropriate head of account by the District Welfare Officer/Principal/Incharge of the centre as the case may be.

Provided that in case there is any other deserving trainee in the same trade in which the left out scholarships holder was getting training, his case for sanction will be referred to the sanctioning authority through the District Welfare Officers.

15. *Stoppage of Scholarships.*—Scholarships shall be stopped at any stage if—

- (a) it is discovered that a mistake has been made and that a trainee(s) who has/have been granted Scholarship is/are not eligible under the scheme,
- (b) in spite of two successive written warnings, the progress and/or attendance of a trainee are/is not found satisfactory.

16. *Maintenance of Registers/Returns.*—The District Welfare Officer shall maintain register/return on the forms, as may be prescribed by the Director from time to time.

17. *Sanction for the Scholarships.*—(a) The Director shall be the sanctioning authority for the scholarships. Districtwise sanctions shall be conveyed in accordance with the lists of Scholarship to the District Welfare Officers. Proper control over disbursement of scholarships will be exercised by the Director, who will issue instructions in this behalf as and when deemed fit.

(b) District Welfare Officers (Gazetted) shall be responsible to ensure proper disbursement of scholarships

in their own districts. Where the non-gazetted Welfare Officers are posted, the Deputy Commissioners will be overall responsible for the proper disbursement of the Scholarships.

18. *Annual Returns*.—At the close of each financial year, the District Welfare Officers shall submit an annual Return to the Director in the form at Annexure 'D' along with a narrative.

19. *General*.—The Bonds executed by the trainees shall be kept under proper custody of the District Welfare Officer and will be produced before audit as and when so required.

20. The expenditure shall be debitable to the following heads of accounts as the case may be and also the changed heads of account, if any:—

(a) 71—Misc. D. Misc. & Unforeseen Charges. D-2
(1) Welfare of Scheduled Tribes and Scheduled Areas (for Scho. Tribes).

(b) 71—Misc. D. 2. Misc. & Unforeseen Charges D. 2
(3) Expenditure on Backward Areas.

21. *Exceptions*.—If two or more members of one family are getting training at the same centre the award of Scholarships shall normally be restricted to any one of them except in very exceptional circumstances, deviations from the rule shall be made with the approval of Government.

22. *Recovery*.—In case where the Government is satisfied that a trainee has secured scholarship by fraudulent means or has misconducted during training or acted in default of any of the conditions in the Bond, the beneficiary and/or his surety/sureties shall be jointly and severally liable to refund the amount of scholarship paid to him upto date of default/misconduct. The amount so recovered shall be deposited into the Government Treasury under appropriate receipt head by the District Welfare Officer/Principal/Incharge of the Centre as the case may be under intimation to the Director.

23. *Powers of Interpretation*.—In case of any dispute in the matter of interpretation of these rules, the Government's decision will be final and binding. All previous rules or instructions issued in this behalf shall be superseded from the date of notification of these rules.

ANNEXURE 'A'

APPLICATION FOR TECHNICAL SCHOLARSHIP

To
The Director of Welfare,
Himachal Pradesh, Simla.

Sir,
I request for the sanction of Technical scholarship

at the rate of Rs. per month and given below the following particulars:—

1. Name of the applicant (in Block letters).
2. Father's/Guardian's name and full address.
3. Profession of the Guardian/Father.
4. Permanent address of the applicant.
5. Monthly income of the father/guardian with details of source of income.
6. Number of dependents on Father/Guardian giving their ages and relationships.
7. Whether Scheduled Caste/Scheduled Tribe.
8. Name of the centre in which the trainee is getting training.
9. Course of training and date of commencement of course.
10. Duration of training.
11. Place of training.
12. Whether drawing any scholarship/stipend from other source.
13. If reply is affirmative, the amount of scholarship/stipend monthly drawn may be indicated.
14. Any special point which the applicant wishes to bring to the notice of the authority.

Signature of the Father/Guardian,

Yours faithfully,

Signature of the trainee.

Dated

Place

Certified that the applicant is actually under training in the course in the duration of which is years in this centre or qualified in the annual examination and he is deserving both on account of poverty and studies; and grant of technical scholarship at the rate of Rs. per month under Welfare Schemes is justified after accounting a sum of Rs. per month which is monthly paid to him from other source. Also certified that the trainee has given an understanding in the prescribed bond to follow the trade in which he is getting training after completion of the training and shall not leave the centre in the middle of training.

Signature of the Principal/
Incharge of centre with
Stamp/Seal of the institution.

Dated

Place

Note.—The following certificates shall be attached with the application by the applicant:—

1. Certificate from the Magistrate or Nyaya Panchayat of the area in support of being bona fide Himachali.
2. Certificate from any Magistrate or Nyaya Panchayat of the area, regarding income of the Father/Guardian.
3. Certificate from any Magistrate or Nyaya Panchayat of the area in support of Backward Class.

ANNEXURE 'B'
(Rules 10-11)

PROFORMA FOR PREPARATION OF LISTS (See Rule 13)

Name of the trainee	Parent's/Guardian's name	Sub-caste	Name of the institution/centre	Trade of trainee	Date of Commencement of training
1	2	3	4	5	6
Last examination passed	Marks obtained in the annual examination	Parent's/Guardian's income (to be verified by Revenue Officer not below the rank of Naib-Tehsildar	Whether the applicant is getting scholarships from any other source	Amount of scholarship recommended monthly from Welfare funds	Remarks
7	8	9	10	11	12

Note.—The Certificates prescribed in Rule 14 (1) to (iv) shall be recorded by the Principals/Incharges of the Centre, while forwarding the lists. Verified and forwarded.

District Welfare Officer
Dated and Stamp.

Signature of the Incharge of
Centre.....District.
(With seal and stamp).

ANNEXURE 'C'
(Rule 13)FORM OF BOND OF IDENTITY FOR
DRAWING STIPEND UNDER THE TECHNICAL
SCHOLARSHIP SCHEME

Know all men by these presents that we*(s)
trainee son/daughter/wife
**(b)
(Guardian/parent) son of
*** (c) (Surety) s/o
..... herein under jointly
and severally referred to as* (trainee),** (Guardian/
Parent)*** (Surety) do bind ourselves and our respective
heirs, executors and administrators to pay the Govern-
ment of Himachal Pradesh hereinafter called the Govern-
ment the sum of Rs. (Rupees....)
only.

*Signed by me (Trainee)

This.....day of.....197 ..

**Signed by me (Guardian/Parent)

This.....day of.....

.....197 ..
(Signatures)

*** Signed by me (Surety)

This.....day of.....

.....197 ..

(Signatures)

Whereas (a)*.....(Trainee) at the time

of his/her admission at the industrial Training Institute
..... was adult/minor and wholly
dependent on (b)**..... (guardian/parent),
who hereby declare that the income statement (from
all sources) as furnished in the application for award of
stipend to (a)*..... is true to the best of our
knowledge and belief and nothing has been concealed.

And whereas the State Government have sanctioned
the said stipend to the trainee on the basis of information
furnished by the guardian/parent/trainee to the Govern-
ment.

Now the condition of the above written bond is such
that if after payment has been made to the trainee, the
guardian/parent and surety shall in the event of the
income statement being incorrect, or the trainee leaving
the training in the mid-session, refund the aforesaid
stipend to the Government to the extent of actual
amount paid by the State Government to the trainee and
aforesaid stipend and all cost incurred in consequence of
its recovery thereto, the above written bond and obliga-
tion shall be void otherwise the same shall remain in
full force and virtue.

In witness to the above written bond and the condition
therefore we (a) *..... (trainee) (b) **.....
(Guardian/parent) (c) ***..... (Surety)
have hereinto set out hands this.....day.....

(a) Full name of trainee and permanent address.

(b) Full name of guardian/parent with place of resi-
dence.

(c) Full name of surety with place of residence.

Sd/- (a) 1. (Witness and his
address).

(b) 2. (Witness)

1. (Witness)

2. (Witness)

(c) 1. (Witness)

2. (Witness)

ANNEXURE 'D'

(See Rule 21)

FORM OF ANNUAL RETURN

Showing trainees to whom Technical scholarships were given.
Name of District

Sl. No.	Letter No. and date which proposal was sent	Names of trainees recommended with full address	Amount recommended	Sanction Date	No. and	Amount sanctioned monthly
1	2	3	4	5	6	

Total amount paid during the years	Particulars of trainees who left the centre during course of training (Centre wise)	Particulars of unspent amount on account of such trainees who left the centre during training course (Centre-wise)	Particulars of other trainees who were recommended for technical scholarships, in lieu of the left-outs (Centre-wise)	Challan No. date vide which such unspent balances were deposited (Centre-wise)	Any other remarks
7	8	9	10	11	12

Signature and date of the
District Welfare Officer,
District
with Stamp.

By order,
C. M. CHATURVEDI,
Secretary.

भाग 4—स्थानीय स्वायत्त: शासन म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5—वैयक्तिक अभिसूचनाएं और विज्ञापन

न्यायालय श्री आर० एल० खुराना सीनियर सब-जज, धर्मशाला
उत्तराधिकारी प्रमाण पत्र प्राप्ति हेतु प्रार्थना-पत्र
मुकदमा नम्बर 5, साल 1974

1. श्री बलवन्त सिंह 2. शक्ति नन्द पिसरान वरफी राम 3.
श्रीमती नन्दा देवी विष्टा 4. जनक सिंह पुत्र रत्न सिंह बालग
5 मदन सिंह पुत्र 6. श्रीमती सोमा देवी नाबालगान
पुत्री रत्न सिंह द्वारा श्रीमती नन्दो देवी कोम राजपूत, वासी
धुरल, तहसील पालमपुर, जिला कांगड़ा।

बनाम

पत्र प्राप्ति हेतु प्रार्थना-पत्र इस न्यायालय में दिया है। अतः इस्तहार
द्वारा सर्वजन्ता को सूचित किया जाता है कि यदि इस के विषय में
कोई आपत्ति हो तो निधि 12-12-1974 उपस्थित न्यायालय हो
कर प्रस्तुत करें। अन्यथा आगामी कार्यवाही की जावेगी।

आज तिथि 10-10-1974 को मेरे हस्ताक्षर व मोहर में
जारी हुआ।

मोहर।

आर० एल० खुराना

सीनियर सब-जज, कांगड़ा, धर्मशाला।

जन्ता :

उपरलिखित मुकदमा उनवान में सायल ने उत्तराधिकारी प्रमाण-

अदालती इशतहार

अरावत श्री डी० सी० चन्देल, प्रतिधन अधिकारी, सोलन, जिला सोलन

मुकदमा नम्बर 19-II/74 जेर धारा 11 अधिनियम नं० 15 (1953) के अधीन अराजी ख० नं० 627/45, 629/46 किता 2 रकबा 1—9 बिघा 3 वासी शील, परगना बोहचाली, तहसील और जिला सोलन।

भगतिया पुत्र साहिब, वासी शील, परगना बोहचाली, तहसील और जिला सोलन सायल।

बनाम

- (1) मनु पुत्र गौरीदत्त, चार हिस्सा।
- (2) दुर्गा दत्त पुत्र हेम राज एक हिस्सा।
- (3) नन्द राम पुत्र सही राम।
- (4) हरी दत्त, धर्म दत्त पुत्र कली राम बहिस्सा बराबर।
- (5) बलिया पुत्र मस्त राम, वासी शील, परगना बोहचाली।

मसूलयान।

उपरावत विषय में वज्रिया इशतहार सूचना दी जाती है कि उपरोक्त मसूलयान बावजूद समन के हाजिर नहीं हुए अतः वज्रिया इशतहार जेर आर्डर 5, रूल 20 C.P.C. जारी हो कर मसूलयान या उनके वारसान को सूचित किया जाता है कि वे निम्ति 28-10-74 को असालतन व वकालतन प्रातः 10 बजे हाजिर हो कर मुकदमा की पैरवी करें। हाजिर न होने पर एक तरफा कार्यवाही अमल में लाई जाएगी।

आज तारीख 5 अक्टूबर, 1974 दस्तखत हमारे व मोहर अदालत में जारी हुआ।

मोहर।

डी० सी० चन्देल,
प्रतिधन अधिकारी।

अदालती इशतहार

अदालत श्री डी० सी० चन्देल, प्रतिधन अधिकारी, सोलन, जिला सोलन

मुकदमा नं० 18-II/74 जेर धारा 11 अधिनियम नं० 15 (1953) के अधीन अराजी ख० नं० 17, 152, 208, 307, 309, 412, किता 6 रकबा 6 बिघा 3 बिस्वा, वासी शील, परगना बोहचाली, तहसील और जिला सोलन।

भगतिया पुत्र साहिब, वासी शील, तहसील और जिला सोलन।

सायल।

बनाम

- (1) दुर्गा दत्त पुत्र हेम राज, वासी शील, तहसील सोलन।
- (2) नन्द राम पुत्र सही राम, तिहाई।
- (3) हरीदत्त, धर्मदत्त पुत्र कली राम।
- (4) बलिया पुत्र मस्त राम, तिहाई दर दो।

गौरीदत्त व दुर्गादत्त पुत्र हेमराज बहिस्सा बराबर, चक शील, माकन देह मुरतहन मसूलयान।

उपरोक्त विषय में वज्रिया इशतहार सूचना दी जाती है कि

उपरोक्त मसूलयान बावजूद समन के हाजिर नहीं हुए अतः वज्रिया इशतहार जेर आर्डर 5, रूल 20, C.P.C. जारी हो कर मसूलयान या उनके वारसान को सूचित किया जाता है कि वे निम्ति 28-10-74 को असालतन व वकालतन प्रातः 10 बजे हाजिर हो कर मुकदमा की पैरवी करें। हाजिर न होने पर एक तरफा कार्यवाही अमल में लाई जाएगी।

आज तारीख 5 अक्टूबर, 1974 दस्तखत हमारे व मोहर अदालत में जारी हुआ।

मोहर।

डी० सी० चन्देल,
प्रतिधन अधिकारी।

In the Court/Office of Shri M. L. Bansal, Arbitrator and Superintending Engineer, 3rd Circle, Himachal Pradesh Public Works Department, Solan

The Government of Himachal Pradesh through Executive Engineer, Simla Division No. IV, Himachal Pradesh Public Works Department, Simla-9.

Vs.

M/s. R. K. Brothers, Sanitary and Water Supply Contractors, 101, Sector 21-A, Chandigarh.

To

M/s. R. K. Brothers,
Sanitary and Water Supply Contractors,
101, Sector 21-A, Chandigarh.

Whereas in the matter of Arbitration between the State of Himachal Pradesh Versus M/s R. K. Brothers, Sanitary and Water Supply Contractors, 101, Sector 21-A, Chandigarh regarding the work "Construction of residential buildings type IV (32 units) at Chhota Simla (Sub-head: Providing Water Supply and Sanitary Installations)"—Agreement No. 9 of 1969-70 and whereas inspite of the communications mentioned hereunder M/s. R. K. Brothers, Sanitary and Water Supply Contractors, Chandigarh failed to submit their specific claims to the undersigned for pursuing the case.

1. SE-III-Arbt/73-31401-02 dated 25-9-1973,
2. SE-III-Arbt/73-23030-31 dated 16-10-1973,
3. SE-III-Arbt/73-37865-66 dated 17-12-1973, and
4. SE-III-Arbt/RK/74-8207-8 dated 11-4-74.

Hence this proclamation is hereby issued to them to submit their specific claims before 15th November, 1974 for pursuing the case, otherwise the case will be discharged.

Given under my hand and seal of the Court/Office 9th day of October, 1974.

M. L. BANSAL,
Arbitrator.

COURT NOTICE

PROCLAMATION REQUIRING ATTENDANCE OF THE RESPONDENT UNDER ORDER 5, RULE 20 OF THE CODE OF CIVIL PROCEDURE

IN THE COURT OF SHRI R. K. MAHAJAN RENT CONTROLLER, SOLAN

Case No. 35/2 of 1974

Amar Nath } Sons of Shri Banwari Lal caste
Ram Avtar } vaish Aggarwal residents of
Solan Petitioners.

Versus

1. Shri Hem Raj son of Lala Nohar Chand Mittal, resident of Set No. 5 Dalda Colony, Solan.

2. Shri Rohtas, an employee of Punjab National Bank, Limited, Solan. Respondents.

APPLICATION FOR EJECTMENT UNDER SECTION 14 OF THE HIMACHAL PRADESH URBAN RENT CONTROL ACT

To
Shri Hem Raj son of Shri Nohar Chand Mittal resident of Set No. 5, Dalda Colony, Solan, District Solan, Himachal Pradesh.

Whereas you are intentionally evading services of

summons, it is hereby notified that if you shall not defend this case on the 30th day of November, 1974 fixed for the final disposal, it will be heard and determined *ex-parte*.

Given under my hand and the seal of court this 9th day of October, 1974.

Seal.

R. K. MAHAJAN,
Rent Controller, Solan.

HIMACHAL PRADESH UNIVERSITY, SIMLA-5

NOTIFICATION

Simla-5, the 1st October, 1974

No. 10-1/73-Conduct (HPU).—Shri Shiv Singh Negi s/o Shri Parma Nand Registration No. 70-psa-866 of Himachal Pradesh University, Simla has been allowed to change his name from Shiv Singh Negi to Shiv Singh Rathor. In future his name in the University record will be shown as Shiv Singh Rathor *alias* Shiv Singh Negi.

C. L. SEHGAL,
Superintendent (Conduct).

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT NOTIFICATIONS

Simla-2, the 15th January, 1974

No. 11-24/73-LR.—The Code of Civil Procedure (Amendment) Act, 1973 (49 of 1973) has already been published in the Gazette of India, Extra ordinary, Part-II, section 1, is hereby republished in the Himachal Pradesh government Rajpatra for the information of general public.

JOSEPH DINA NATH,
Dy. Secretary.

Assented to on 29-11-1973.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1973

ACT No. 49 OF 1973

AN
ACT

further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Code of Civil Procedure (Amendment) Act, 1973.

2. *Substitution of new section for section 109.*—For section 109 of the Code of Civil Procedure, 1908 (5 of 1908), (hereinafter referred to as the said Code), the following section shall be substituted, namely:—

“109. *When appeals lie to the Supreme Court.*—Subject to the provisions in Chapter IV of Part V of the Constitution and such rules as may, from time to time, be made by the Supreme Court regarding appeals from the Courts of India, and to the provisions hereinafter

contained, an appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court, if the High Court certifies—

- that the case involves a substantial question of law of general importance; and
- that in the opinion of the High Court the said question needs to be decided by the Supreme Court.”

3. *Omission of section 110.*—Section 110 of the said Code shall be omitted.

4. *Amendment of the First Schedule.*—In the First Schedule to the said Code,—

(1) in Order XLV,—

(a) in rule 3, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Every petition shall state the grounds of appeal and pray for a certificate—

- that the case involves a substantial question of law of general importance; and
- that in the opinion of the court the said question needs to be decided by the Supreme Court.”

(b) rules 4 and 5 shall be omitted:

(2) in Appendix G, in Form No. 12, for the portion beginning with the words “TAKE notice” and ending with the words “the Supreme Court”, the following shall be substituted, namely:—

“TAKE notice that..... has applied to this Court for a certificate—

- that the case involves a substantial question of law of general importance; and
- that in the opinion of this court the said question needs to be decided by the Supreme Court.”

Simla-2, the 4th February, 1974

No. 11-24/73-LR.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extra-ordinary, Part II, Section 1, are hereby re-published in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Foreign Awards (Recognition and Enforcement) Amendment Act, 1973 (47 of 1973).
2. The State Bank Laws (Amendment) Act, 1973 (48 of 1973).
3. The Authorised Translation (Central Laws) Act, 1973 (50 of 1973).
4. The Textiles Committee (Amendment) Act, 1973 (51 of 1973).
5. The Maternity Benefit (Amendment) Act, 1973 (52 of 1973).
6. The Press Council (Amendment) Act, 1973 (53 of 1973).
7. The Indian Railways (Second Amendment) Act, 1973 (54 of 1973).
8. The Payment of Bonus (Second Amendment) Act, 1973 (55 of 1973).
9. The Alcock Asholown Company Limited (Acquisition of Undertakings) Act, 1973 (56 of 1973).
10. The Burn Company and Indian Standard Wagon Company (Taking over of Management) Act, 1973 (57 of 1973).
11. The Central Excises and Salt (Second Amendment) Act, 1973 (58 of 1973).
12. The Homeopathy Central Council Act, 1973 (59 of 1973).
13. The Advocates (Amendment) Act, 1973 (60 of 1973).

JOSEPH DINA NATH,
Deputy Secretary.

Assented to on 26-11-73.

THE FOREIGN AWARDS (RECOGNITION AND ENFORCEMENT) AMENDMENT ACT, 1973
(ACT NO. 47 OF 1973)

AN
ACT

to amend the Foreign Awards (Recognition and Enforcement) Act, 1961.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Foreign Awards (Recognition and Enforcement) Amendment Act, 1973.

2. *Amendment of Act 45 of 1961.*—For section 3 of the Foreign Awards (Recognition and Enforcement) Act, 1961, the following section shall be substituted, namely:—

“3. *Stay of proceedings in respect of matters to be referred to arbitration.*—Notwithstanding anything contained in the Arbitration Act, 1940 (10 of 1940), or in the Code of Civil Procedure, 1908 (5 of 1908), if any party to an agreement

to which Article II of the convention set fourth in the Schedule applies, or any person claiming through or under him commences any legal proceedings in any court against any other party to the agreement or any person claiming through or under him in respect of any matter agreed to be referred to arbitration in such agreement, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other step in the proceedings, apply to the Court to stay the proceedings and the Court, unless satisfied that the agreement is null and void, inoperative or incapable of being performed or that there is not, in fact, any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings.”

Assented to on 26-11-73

THE STATE BANK LAWS (AMENDMENT)
ACT, 1973
(ACT NO. 48 OF 1973)

AN
ACT

further to amend the State Bank of India Act, 1955 and the State Bank of India (Subsidiary Banks) Act, 1959.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the State Bank Laws (Amendment) Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

2. *Amendment of section 2.*—In section 2 of the State Bank of India Act, 1955 (23 of 1955) (hereinafter in this Chapter referred to as the State Bank Act), after clause (i), the following clause shall be inserted, namely:—

“(j) “workman” has the meaning assigned to it in the Industrial Disputes Act, 1947 (14 of 1947).”

3. *Amendment of section 19.*—In section 19 of the State Bank Act, in sub-section (1), after clause (c), the following clauses shall be inserted, namely:—

“(ca) one director, from among the employees of the State Bank, who are workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;

“(cb) one director, from among such of the employees of the State Bank, as are not workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;”

4. *Amendment of section 20.*—In section 20 of the State Bank Act, after sub-section (3), the following sub-section shall be inserted namely:—

“(3A) A director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19 shall hold

office for such term, not exceeding three years, as the Central Government may specify and thereafter until his successor shall have been duly appointed, and shall be eligible for re-appointment."

5. *Amendment of section 21.*—In section 21 of the State Bank Act, in sub-section (1), in clause (e), for the words "the secretary and treasurer", the words "the chief general manager" shall be substituted.

6. *Amendment of section 21B.*—In section 21B of the State Bank Act,—

- (i) for the words, brackets, figures and letters "in relation to any business that may be carried on or transacted by the State Bank under sub-section (1) of section 32 and clauses (i) (excluding the proviso), (ii), (iii), (v) to (ix), (xa), (xii) to (xv), (xvii), (xviii), (xixb) not (xixc) of section 33 and shall", the words, brackets, letters and figures "in relation to the business of banking and the forms of business set out in clause (a), (b), (e), (f), (g), (h), (i), (k) and (l) of sub-section (1) of section 6 of the Banking Regulation Act, 1949 (10 of 1949), and such other forms of business referred to in sub-section (1) of the said section 6, as may be approved by the Central Board in this behalf and shall also" shall be substituted;
- (ii) the following proviso shall be added at the end, namely:—

"Provided that a Local Board shall transact businesses of borrowing of money and the acquiring, holding, issuing on commission, under writing and dealing in stock, funds, shares, debentures, debenture stock, bonds, obligations, securities and investments, only if the Central Board approves any of such businesses in this behalf and confers or assigns any of such businesses to the Local Board."

7. *Amendment of section 22.*—In section 22 of the State Bank Act,—

- (i) in clause (d) of sub-section (1), for the words "secretary and treasurer", the words "chief general manager" shall be substituted;
- (ii) after clause (d) of sub-section (1), the following clause shall be inserted, namely:—

"(da) in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19,—

- (i) he is not serving in the State Bank or has not been serving in it for a continuous period of at least five years; and
- (ii) he is of such age that there is a likelihood of his attaining the age of superannuation during his term of office as a director; or";
- (iii) in the proviso to clause (h) of sub-section (1), for the words "Provided that", the following shall be substituted, namely:—

"Provided that in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19, the disqualification mentioned in clause (d) shall not operate:

Provided further that"

8. *Amendment of section 24.*—In section 24 of the State Bank Act, in sub-section (3),—

- (i) for the words, brackets and letter "nominated under clause (d)", the words, brackets and letters "appointed under clause (ca) or clause (cb) or nominated under clause (d)" shall be substituted;

- (ii) for the words "nominate", the words "appoint or nominate, as the case may be," shall be substituted.

9. *Amendment of section 25.*—In section 25 of the State Bank Act,—

- (i) in sub-section (2), for the words "of a member of a Local Board other than the secretary and treasurer", the words, brackets, letters and figures "a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19 or of a member of a Local Board other than the chief general manager" shall be substituted;
- (ii) in sub-section (3), for the words "under this section", the words, brackets and figure "under sub-section (2)" shall be substituted;
- (iii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Where any vacancy occurs before the expiry of the term of office of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19, such vacancy shall be filled in accordance with the said clause (ca) or, as the case may be, clause (cb), and the director so appointed shall hold office for the period specified under sub-section (3A) of section 20."

10. *Amendment of section 31.*—In section 31 of the State Bank Act,—

- (i) in the proviso to sub-section (3),—
 - (a) in clause (ii), the word "or" shall be added at the end;
 - (b) after clause (ii), the following clause shall be inserted, namely:—

"(iii) an officer or other employee of the State Bank, if he is a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19."

- (ii) in sub-section (4),—

- (a) the words, "other than a managing director" shall be omitted;
- (b) for the words "any such director", the words "any director" shall be substituted.

11. *Amendment of section 31A.*—In section 31A of the State Bank Act, in sub-section (4), for the words "other than the secretary and treasurer", the words "other than the chief general manager" shall be substituted.

12. *Substitution of new section for section 33.*—For section 33 of the State Bank Act, the following section shall be substituted, namely:—

"33. *Other business which the State Bank may transact.*—Subject to the other provisions contained in this Act, the State Bank may carry on and transact the business of Banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), and may engage in one or more of the other forms of business specified in sub-section (1) of section 6 of that Act."

13. *Amendment of section 34.*—In section 34 of the State Bank Act, sub-sections (1), (2), (3) and (5) shall be omitted.

14. Amendment of section 39.—In section 39 of the State Bank Act, after the words “and balanced”, the word “as” shall be inserted.

15. Amendment of section 40.—In section 40 of the State Bank Act,—

- (i) in sub-section (1), for the words “within two months from the date on which its accounts are closed and balanced”, the words, figures and letters “within three months from the 31st day of December, as on which its books are closed and balanced” shall be substituted;
- (ii) to sub-section (1), the following proviso shall be added, namely:—

“Provided that the Central Government may, after consultation with the Reserve Bank, extend the said period of three months by such further period, not exceeding three months, as it may think fit.”

16. Amendment of section 41.—In section 41 of the State Bank Act,—

- (i) in sub-section (1), for the words “audited by two auditors”, the words “audited by two or more auditors” shall be substituted;
- (ii) in sub-section (7), after clause (e), the following *Explanations* shall be deemed to have been inserted on and from the 1st day of December, 1964, namely:—

“*Explanation 1.*—For the purposes of this Act,—

- (a) the balance sheet shall not be treated as not disclosing a true and fair view of the affairs of the State Bank, and
- (b) the profit and loss account shall not be treated as not showing a true balance of profit or loss for the period covered by such account,

merely by reason of fact that the balance-sheet or, as the case may be, the profit and loss account, does not disclose any matters which are, by the provisions of the Banking Regulation Act, 1949 (10 of 1949), read with the relevant provisions of this Act, not required to be disclosed.

Explanation 2.—For the purposes of this Act, the accounts of the State Bank shall not be deemed as having not been properly drawn up on the ground merely that they do not disclose certain matters if—

- (i) those matters are such as the State Bank is, by virtue of any provision contained in the Banking Regulation Act, 1949 (10 of 1949), read with the relevant provisions of this Act, or any other Act, not required to disclose; and
- (ii) the provisions referred to in clause (i) are specified in the balance-sheet and profit and loss account of the State Bank or in the auditors’ report.”

17. Amendment of section 42.—In section 42 of the State Bank Act, in sub-section (1),—

- (i) after the words “shall be held”, the words “in each year” shall be inserted;
- (ii) the words “before the end of March in each year” shall be omitted;
- (iii) for the proviso, the following proviso shall be substituted namely:—

“Provided that such annual general meeting shall be held before the expiry of six weeks from the date on which the balance-sheet, together with the profit and loss account and auditors’

report, is, under sub-section (1) of section 40, forwarded to the Central Government or to the Reserve Bank, whichever date is earlier.”

18. Amendment of section 49.—In section 49 of the State Bank Act,—

- (i) in sub-section (1), for the words “make rules to carry out the purposes of this Act”, the words “make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act” shall be substituted;
- (ii) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) the manner of appointment of a director under clause (ca) or clause (cb) of sub-section (1) of section 19, and all other matters connected therewith or incidental thereto.”

19. Amendment of section 50.—In section 50 of the State Bank Act,—

- (i) in sub-section (2), for clause (q), the following clause be substituted, namely:—
“(q) the terms, conditions, stipulations, restrictions and limitations, if any, in the transaction by the State Bank of its businesses in regard to the advancing or lending of money or the discounting or purchase of any instrument, negotiable or otherwise, with or without reference to any security, purpose, amount, period or otherwise;”;
- (ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) All regulations made under this section shall have effect from such earlier or later date as may be specified in the regulations.”

CHAPTER III.

AMENDMENTS TO THE STATE BANK OF INDIA (SUBSIDIARY BANKS) ACT, 1959

20. Amendment of section 2.—In section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), (hereinafter in this Chapter referred to as the Subsidiary Banks Act), after clause (l), the following clause shall be inserted, namely:—

“(m) “workman” has the meaning assigned to it in the Industrial Disputes Act, 1947 (14 of 1947).”

21. Substitution of “managing director” for “general manager”.—In the Subsidiary Banks Act, except in section 23 and sub-section (3) of section 49, for the words “general manager”, wherever they occur, the words “managing director” shall be substituted.

22. Amendment of section 25.—In section 25 of the Subsidiary Banks Act, in sub-section (1),—

- (i) after clause (a), the following clause shall be inserted, namely:—
“(aa) the managing director appointed under sub-section (1) of section 29, or under section 32;”;
- (ii) after clause (c), the following clauses shall be inserted, namely:—

“(ca) one director, from among the employees of the subsidiary bank, who are workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;

(cb) one director, from among such of the employees of the subsidiary bank as are not workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;"

23. Amendment of section 26.—In section 26 of the Subsidiary Banks Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) A director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25 shall hold office for such term, not exceeding three years, as the Central Government may specify and thereafter until his successor have been duly appointed, and shall be eligible for re-appointment."

24. Amendment of section 27.—In section 27 of the Subsidiary Banks Act, in sub-section (1),—

(i) in clause (d), after the words "the subsidiary bank," the words "other than the office of the managing director" shall be inserted;

(ii) after clause (d), the following clause shall be inserted, namely:—

"(da) in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25,—

(i) he is not serving in the subsidiary bank or has not been serving in it for a continuous period of at least five years; and

(ii) he is of such age that there is a likelihood of his attaining the age of superannuation during his term of office as a director; or";

(iii) in the second proviso, for the words "Provided further that", the following shall be substituted, namely:—

"Provided further that in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25, the disqualification mentioned in clause (d) shall not operate:

Provided also that"

25. Amendment of section 30.—In section 30 of the Subsidiary Banks Act, in the proviso, after the words "the chairman of the State Bank", the words "or the managing director of the subsidiary bank", shall be inserted.

26. Amendment of section 31.—In section 31 of the Subsidiary Banks Act, in sub-section (2), for the words, brackets and letter "nominated under clause (e)", the words, brackets and letters "appointed under clause (ca) or clause (cb) or nominated under clause (e)" shall be substituted.

27. Amendment of section 33.—In section 33 of the Subsidiary Banks Act,—

(i) in sub-section (1), after the words "director of a subsidiary bank", the words, brackets, letters and figures "other than the managing director or a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25" shall be inserted;

(ii) in sub-section (2), for the words "under this section", the words, brackets and figure "under sub-section (1)" shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Where any vacancy occurs before the expiry of the term of office of a director ap-

pointed under clause (ca) or clause (cb) of sub-section (1) of section 25, such vacancy shall be filled in accordance with the said clause (ca) or, as the case may be, clause (cb), and the director so appointed shall hold office for the period specified under sub-section (2A) of section 26."

28. Amendment of section 34.—In section 34 of the Subsidiary Banks Act, in the proviso to sub-section (5),—

(i) in clause (ii), the word "or" shall be added at the end;

(ii) after clause (ii), the following clauses shall be inserted, namely:—

"(iii) an officer or other employee of the State Bank, or any other institution, if he is the managing director appointed under sub-section (1) of section 29 or under section 32; or

(iv) an officer or other employee of the subsidiary bank, if he is a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25."

29. Amendment of section 37.—In section 37 of the Subsidiary Banks Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Subject to the other provisions contained in this Act, a subsidiary bank may carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), and may engage in one or more of the other forms of business specified in sub-section (1) of section 6 of that Act."

30. Amendment of section 39.—In section 39 of the Subsidiary Banks Act, after the words "and balanced", the word "as" shall be inserted.

31. Amendment of section 41.—In section 41 of the Subsidiary Banks Act, in sub-section (7),—

(i) in clause (a), for the words "exhibit a true and correct view", the words "exhibit a true and fair view" shall be substituted;

(ii) after clause (e), the following *Explanations* shall be inserted, namely:—

"*Explanation 1.*—For the purposes of this Act,—

(a) the balance-sheet shall not be treated as not disclosing a true and fair view of the affairs of the subsidiary bank, and

(b) the profit and loss account shall not be treated as not showing a true balance of profit or loss for the period covered by such account,

merely by reason of the fact that the balance-sheet or, as the case may be, the profit and loss account, does not disclose any matters which are, by the provisions of the Banking Regulation Act, 1949 (10 of 1949), read with the relevant provisions of this Act, not required to be disclosed.

Explanation 2.—For the purposes of this Act, the accounts of the subsidiary bank shall not be deemed as having not been properly drawn up on the ground merely that they do not disclose certain matters if—

(i) those matters are such as the subsidiary bank is, by virtue of any provision contained in the Banking Regulation Act, 1949 (10 of 1949), read with the relevant provisions of this Act, or any other Act,

- not required to disclose, and
- (ii) the provisions referred to in clause (i) are specified in the balance-sheet and profit and loss account of the subsidiary bank or in the Auditor's report."

32. Amendment of section 43.—In section 43 of the Subsidiary Banks Act, in sub-section (1),—

- (i) in clause (a), for the words "within three months from the date on which its accounts are closed and balanced", the words, figures and letters "within three months from the 31st day of December as on which its books are closed and balanced" shall be substituted;
- (ii) after clause (b), the following proviso shall be inserted, namely:—

"Provided that the Reserve Bank may, after consultation with the State Bank, extend the said period of three months by such further period, not exceeding three months, as it may think fit."

33. Amendment of section 44.—In section 44 of the Subsidiary Banks Act,—

- (i) in sub-section (1), for the words "annually before the end of March", the words "in each year" shall be substituted;
- (ii) to sub-section (1), the following proviso shall be added, namely:—

"Provided that such annual general meeting shall be held before the expiry of six weeks from the date on which the balance-sheet, together with the profit and loss account and auditor's report, is, under sub-section (1) of section 43, forwarded to the State Bank, or to the Reserve Bank, whichever date is earlier."

34. Amendment of section 62.—In section 62 of the Subsidiary Banks Act,—

- (i) in sub-section (1), for the words "make rules to give effect to the provisions of this Act", the words "make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act" shall be substituted;
- (ii) in sub-section (2), after clause (f), the following clause shall be inserted, namely:—

"(g) the manner of appointment of a director under clause (ca) or clause (cb) of sub-section (1) of section 25, and all other matters connected therewith or incidental thereto."

35. Amendment of section 63.—In section 63 of the Subsidiary Banks Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) All regulations made under this section shall have effect from such earlier or later date as may be specified in the regulations".

Assented to on 5-12-73

THE AUTHORISED TRANSLATIONS (CENTRAL LAWS) ACT, 1973

(ACT, No. 50 OF 1973)

AN

ACT

to provide for authorised translations of Central laws in certain languages.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Authorised Translations (Central Laws) Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Authorised translations of Central laws in certain languages.—A translation in any language (other than Hindi) specified in the Eighth Schedule to the Constitution, published under the authority of the President in the Official Gazette,—

(a) of any Central Act or of any Ordinance promulgated by the President, or

(b) of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act, shall be deemed to be the authorised translation thereof in such language.

3. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in to or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assented to on 11-12-73.

THE TEXTILES COMMITTEE (AMENDMENT) ACT, 1973

(ACT, No. 51 OF 1973.)

AN

ACT

to amend the Textiles Committee Act, 1963.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Textiles Committee (Amendment) Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1.—In section 1 of the Textiles Committee Act, 1963 (41 of 1963) (hereinafter referred to as the principal Act), in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted.

3. Amendment of section 2.—In section 2 of the principal Act,—

- (i) after clause (b), the following clause shall be inserted, namely:—

"(ba) "fibre" means man-made fibre including regenerated cellulose rayon, nylon and the like";

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) “handloom industries” has the meaning assigned to it in the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (12 of 1953);”

(iii) after clause (d), the following clauses shall be inserted, namely:—

“(da) “powerloom” means a loom which is worked by power as defined in clause (g) of section 2 of the Factories Act, 1948 (63 of 1948), and which is used or capable of being used only for weaving cloth wholly or partly out of cotton yarn or woollen yarn, or fibre, or any kind of mixed yarn;

(db) “powerloom industry” means an industry in which a manufacturer of textiles has, at any time during the period fixed by the Committee under clause (a) of sub-section (5) of section 5A, not more than fifty powerlooms (without any spinning plants) in the factory or factories owned, controlled or managed by him.

Explanation.—For the purposes of this clause, the expression “factory” has the meaning assigned to it in the Factories Act, 1948 (63 of 1948);

(iv) for clause (g), the following clause shall be substituted, namely:—

“(g) “textiles” means any fabric or cloth or yarn or garment or any other article made wholly or in part of—

(i) cotton; or

(ii) wool; or

(iii) silk; or

(iv) artificial silk or other fibre, and includes fibre;”

4. *Insertion of new section 2A.*—After section 2 of the principal Act, the following section shall be inserted, namely:—

“2A. *Construction of references to any law not in force, or any functionary not in existence, in the State of Jammu and Kashmir.*—Any reference in this Act, to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence in that State.”

5. *Amendment of section 4.*—In sub-section (2) of section 4 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) establish or adopt or recognise standard specifications for—

(i) textiles, and

(ii) packing materials used in the packing of textiles or textile machinery, for the purposes of export and for internal consumption and affix suitable marks on such standardised varieties of textiles and packing materials;”

(ii) after clause (d), the following clause shall be inserted, namely:—

“(da) provide for training in the techniques of quality control to be applied to textiles or textile machinery;”

(iii) in clause (e), after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) packing materials used in the packing of textiles or textile machinery;”

6. *Insertion of new sections 5A, 5B, 5C, 5D, 5E and 5F.*—After section 5 of the principal Act, the following sections shall be inserted, namely:—

“5A. *Imposition of cess on textiles and textile machinery manufactured in India.*—(1) There shall be levied and collected as a cess for the purposes of this Act, a duty of excise on all textiles and on all textile machinery manufactured in India at such rate, not exceeding one per cent *ad valorem* as the Central Government may, by notification in the Official Gazette, fix:

Provided that no such cess shall be levied on textiles manufactured from out of handloom or powerloom industry.

(2) The duty of excise levied under sub-section (1) shall be in addition to any cess or duty leviable on textiles or textile machinery under any other law for the time being in force.

(3) The duty of excise levied under sub-section (1) shall be collected by the Committee, in accordance with the rules made in this behalf, from every manufacturer of textiles or textile machinery (hereafter in this section and in sections 5C and 5D referred to as the manufacturer).

(4) The manufacturer shall pay to the Committee the amount of the duty of excise levied under sub-section (1) within one month from the date on which he receives a notice of demand therefrom from the Committee.

(5) For the purpose of enabling the Committee to assess the amount of the duty of excise levied under sub-section (1),—

(a) the Committee shall, by notification in the Gazette of India, fix the period in respect of which assessments shall be made; and

(b) every manufacturer shall furnish to the Committee a return, not later than fifteen days after the expiry of the period to which the return relates, specifying the total quantity of textiles or textile machinery manufactured by him during the said period and such other particulars as may be prescribed.

(6) If any manufacturer fails to furnish the return referred to in sub-section (5) within the time specified therein, or furnishes a return which the Committee has reason to believe is incorrect or defective, the Committee may assess the amount of the duty of excise in such manner as may be prescribed.

(7) Any manufacturer aggrieved by an assessment made under this section may appeal to the Tribunal,

constituted under section 5B for cancellation or modification of the assessment.

5B. Constitution of Tribunal.—The Central Government may, by notification in the Official Gazette, constitute a Tribunal consisting of one person, who is or has been or is qualified for appointment as a Judge of a High Court and who is not connected with the Committee to exercise the powers and discharge the functions conferred or imposed on the Tribunal by or under this Act.

5C. Hearing of appeals by Tribunal.—(1) An appeal under sub-section (7) of section 5A may be preferred to the Tribunal within one month from the date on which the notice of demand regarding the assessment is served on the manufacturer:

Provided that, the Tribunal may admit an appeal after the expiration of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(2) Every appeal referred to in sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied with such fees as may be prescribed.

(3) The Tribunal shall fix a day and place for the hearing of the appeal and shall give notice of the same to the appellant and to the Committee.

(4) The Tribunal may, after giving the appellant and the Committee an opportunity of being heard, pass such orders thereon as it thinks fit:

Provided that no order enhancing the assessment shall be made unless the appellant has had a reasonable opportunity of showing cause against such enhancement.

(5) The Tribunal shall send a copy of any order passed under this section to the appellant and to the Committee and such order shall be final.

(6) In discharging the functions under this section, the Tribunal may, subject to any rules that may be made in this behalf, follow such procedure as it thinks fit.

(7) The Tribunal shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which may be prescribed.

(8) The expenses of the Tribunal shall be borne by the Central Government.

5D. Recovery of duty of excise.—If any manu-

facturer fails to pay the duty of excise levied under section 5A, within the period specified in sub-section (4) of that section, or where an appeal has been preferred by him against an order of assessment under sub-section (7) of section 5A, within one month from the date of disposal of such appeal, the duty payable by him shall be recoverable as an arrear of land revenue.

5E. Power to exempt.—If the Central Government is of opinion that in the interests of trade or in the public interest it is necessary so to do, it may, by notification in the Official Gazette, exempt such variety of textiles or such textile machinery as may be specified in the notification from the whole or any part of the duty of excise leviable under section 5A.

5F. Payment of proceeds of cess to the Committee.—The proceeds of the duty of excise collected under section 5A, reduced by the cost of collection as determined by the Central Government, shall first be credited to the Consolidated Fund of India and the Central Government may, after due appropriation made by Parliament by law, pay to the Committee from out of such proceeds, such sums of money as it thinks fit for being utilised for the purposes of this Act.

7. Amendment of section 7.—In sub-section (1) of section 7 of the principal Act, after clause (a) the following clause shall be inserted, namely:—

“(aa) the proceeds of the duty of excise made over to the Committee by the Central Government under section 5F;”

8. Amendment of section 8.—In section 8 of the principal Act, for sub-section (2) and (3), the following sub-section shall be substituted, namely:—

“(2) A Standing Committee or an *ad hoc* Committee constituted under sub-section (1) may include persons who are not members of the Committee, but their number shall not exceed one-half of its strength.”

9. Amendment of section 12.—In sub-section (1) of section 12 of the principal Act,—

(i) clause (b) shall be omitted, and clause (c) shall be re-lettered as clause (b);

(ii) in clause (b) as so re-lettered,—

(a) for the word “other” the words “special” shall be substituted;

(b) after the words “the manufacturers”, the words “or exporters” shall be inserted;

(iii) after clause (b) as so re-lettered, the following proviso shall be inserted, namely:—

“Provided that no fees shall be levied in respect of inspection and examination of textiles on which a duty of excise is leviable under this Act.”;

(iv) in the existing proviso, for the words “Provided that” the words “Provided further that” shall be substituted.

10. Amendment of section 22.—In section 22 of the principal Act,—

(a) in sub-section (2),—

(i) after clause (d), the following clauses shall be inserted, namely:—

“(da) the manner in which the duty of excise leviable under section 5A may be assessed, paid or collected, and the manner in which any refund of such duty paid or collected, in excess of the amount due may be made;

(db) the conditions of service of the person constituting the Tribunal under section 5B;

(dc) the form and the manner in which an appeal to the Tribunal constituted under section 5B may be preferred and verified, the fees payable on such appeals and the procedure to be followed by the Tribunal in disposing of such appeals;”;

(ii) in clause (e), the words “for inspection and examination” shall be omitted;

(iii) after clause (i), the following clause shall be inserted, namely:—

“(j) any other matter which has to be, or may be, prescribed.”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made by the Central Government under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Assented to on 11-12-73:

THE MATERNITY BENEFIT (AMENDMENT) ACT,

(ACT No. 52 OF 1973)

AN

ACT

Further to amend the Maternity Benefit Act, 1961

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Maternity Benefit (Amendment) Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*—In section 1 of the

Maternity Benefit Act, 1961 (53 of 1961), (hereinafter referred to as the principal Act), in sub-section (3) for clause (a), the following clause shall be substituted, namely:—

“(a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government; and”.

3. *Amendment of section 2.*—In section 2 of the principal Act, in sub-section (1), for the words “including any such establishment belonging to Government:” the words “including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances:” shall be substituted.

4. *Amendment of section 3.*—In section 3 of the principal Act—

(i) in clause (a), after the words “being a mine,” the words “or an establishment wherein persons are employed for the exhibition of equestrian, acrobatic, and other performances,” shall be inserted;

(ii) for clause (e), the following clause shall be substituted, namely:—

“(e) “establishment” means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances; or

(v) an establishment to which the provisions of this Act have been declared under sub-section (1) of section 2 to be applicable;”.

5. *Amendment of section 28.*—In section 28 of the principal Act, in sub-section (3), for the words “or in two successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following,” the words “or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

Assented to on 14-12-73

THE PRESS COUNCIL (AMENDMENT) ACT, 1973

(ACT No. 53 OF 1973)

AN

ACT

Further to amend the Press Council Act, 1965.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Press Council (Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the 27th day of September, 1973.

2. *Amendment of section 5.*—In section 5 of the Press Council Act, 1965 (34 of 1965) (hereinafter referred to as the principal Act), for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) Notwithstanding the expiry of the period of office specified by sub-section (1), the Chairman and other members holding office as such on the 30th day of September, 1973, shall continue to hold such office until the 30th June, 1974:

Provided that nothing in this sub-section shall apply to a member—

(a) who ceases to be a member before the 30th day of June, 1974, by reason of the provisions of sub-section (2); or

(b) whose term of office expires before that date by reason of the provisions of sub-section (3); or

(c) who is deemed to have vacated his seat before that date by reason of the provisions of sub-section (3A); or

(d) who is deemed to have vacated his office before that date by reason of the provisions of sub-section (4)."

3. *Repeal and saving.*—(1) The Press Council (Amendment) Ordinance, 1973 (2 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Assented to on 14-12-73.

THE INDIAN RAILWAYS (SECOND AMENDMENT) ACT, 1973

(ACT No. 54 OF 1973)

AN

ACT

further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Indian Railways (Second Amendment) Act, 1973 (9 of 1890).

2. *Amendment of section 82A.*—In section 82A of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in sub-section (2), for the words "twenty thousand rupees" the words "fifty thousand rupees" shall be substituted.

3. *Amendment of section 82J.*—In section 82J of the principal Act,—

(a) in sub-section (2), for clauses (ii) and (iii), the following clauses shall be substituted, namely:—

"(ii) the compensation payable for death;

(iii) the nature of the injuries for which compensation shall be paid and the amount of such compensation;"

(b) in sub-section (3)—

(i) for the words "or in two successive sessions", the words "or in two or more successive sessions" shall be substituted;

(ii) for the words "in which it is so laid or the session immediately following", the words "immediately following the session or the successive sessions aforesaid" shall be substituted.

Assented to on 14-12-73.

THE PAYMENT OF BONUS (SECOND AMENDMENT) ACT, 1973

(ACT No. 55 OF 1973)

AN

ACT

further to amend the payment of Bonus Act, 1965.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the payment of Bonus (Second Amendment) Act, 1973.

2. *Amendment of section 19.*—In section 19 of the Payment of Bonus Act, 1965 (21 of 1965) (hereinafter referred to as the principal Act), sub-section (8) shall be omitted and shall be deemed to have been omitted with effect from the 1st day of September, 1973.

3. *Portion of bonus credited in the provident fund account to be refunded.*—Where, in pursuance of the provisions of section 19 of the principal Act, any portion of the bonus paid to an employee in respect of the accounting year commencing on any day in the year 1972 had been remitted by the employer before the commencement of this Act to the authority maintaining the provident fund account of such employee for crediting the same in that account, such authority shall, notwithstanding anything contained in any other law (including any scheme) for the time being in force, refund such portion to the employee.

Assented to on 14-12-73.

THE ALCOCK ASHDOWN COMPANY LIMITED (ACQUISITION OF UNDERTAKINGS)

ACT, 1973

(ACT No. 56 OF 1973)

AN

ACT

to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and co-ordinated development and production of goods essential to the needs of the country in general, and defence department in particular and for matters connected therewith or incidental thereto.

WHEREAS Alcock Ashdown Company Limited were engaged in boat building, ship repairs and the production of marine diesel engines, and were also engaged in the production of goods which are essential to the needs of the country such as, light and heavy structurals, transmission line towers, railway points and crossings, grey iron castings and also other goods needed by the maritime and other industries;

AND WHEREAS as a result of heavy losses suffered by the company, an order has been made by the High Court at Bombay for the winding up of the Company;

AND WHEREAS there has been a complete closure of the work of the undertakings owned by the company from after January, 1971;

AND WHEREAS it is urgently necessary to bring the undertakings owned by the company into operation so that the interests of the country is general, and the defence department in particular, may not be adversely affected by reason of the stoppage of production and supply of goods produced by the company;

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Alcock Ashdown Company Limited (Acquisition of undertakings) Act, 1973.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Act comes into force;

(b) “company” means the Alcock Ashdown Company Limited, being a company as defined in the Companies Act, 1956 (1 of 1956), and having its registered office in the State of Maharashtra;

(c) “Court” means the High Court at Bombay;

(d) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956), have the meanings respectively assigned to them in that Act.

3. *Undertakings of the company to vest in the Central Government.*—On and from the appointed day, the undertakings of the company shall, by virtue of this Act, be transferred to, and shall vest in the Central Government.

4. *General effect of vesting.*—(1) The undertakings of the company shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable, and immovable cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the company, whether within or outside India, and all books, of account, registers and all other documents of whatever nature relating thereto.

(2) All property included as aforesaid in the undertakings which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trusts, obligations, mortgages, charges, liens and other incumbrances affecting it, and any attachment injunction or any decree or order of any court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertakings of the company is pending by or against the company, the same shall not abate, be discontinued or be in any way, prejudicially affected by reason of the transfer of the undertakings of the company or of anything contained in this Act but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the company.

5. *Duty to deliver possession of the undertakings and documents relating thereto.*—(1) Notwithstanding any decree, judgment or order of any court or anything contained in any other law for the time being in force, the Receiver, Official Liquidator of the

company or any other person, in whose possession or custody or under whose control the undertakings, of the company or any part thereof may be, shall deliver possession of the undertakings of the company or such part thereof as may be in his possession, custody or control to the Central Government forthwith.

(2) The Receiver, Official Liquidator or any other person who has, on the appointed day, in his possession or under his custody or control any books, documents or other papers relating to the undertakings of the company which have vested, under section 3, in the Central Government, shall be liable to account for the said books, document or other papers to the Central Government or to such person as the Central Government may specify in this behalf.

(3) The Central Government may take, or cause to be taken, all necessary steps for securing possession of the undertakings which have vested in it under section 3.

6. *Duty to furnish particulars.*—(1) The company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets of the company, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3.

(2) So much of the obligation of the company under sub-section (1) as relates to the properties and assets of the company in the possession, custody or control of the Receiver shall be discharged by him and so much of that obligation, as relates to the properties and assets in the possession, custody or control of the Official Liquidator shall be discharged by the Official Liquidator.

7. *Payment of amount.*—(1) The Central Government shall deposit, in cash, in Court, to the credit of the company, an amount equal to the sum of rupees one crore for the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the company.

(2) For the avoidance of doubts, it is hereby declared that the liabilities of the company in relation to the undertakings which have vested in the Central Government under section 3, shall be met from the amount referred to in sub-section (1).

(3) In meeting the liabilities of the company in relation to the undertakings which have vested in the Central Government under section 3, the Court shall distribute the amount referred to in sub-section (1) amongst the creditors of the company, whether secured or unsecured, in accordance with their rights and interests, and if there is any surplus left after such distribution, amongst the contributories of the company in accordance with the rights and the interests of such contributories.

8. *Management and administration of the undertakings.*—The undertakings, which have vested in the Central Government under section 3, shall be managed on behalf of the Central Government by such person or body of persons (including one or more Government companies, whether in existence at the commencement of this Act or incorporated thereafter

as may be nominated by the Central Government in this behalf, and such person or body of persons shall carry on the management in accordance with such regulations as may be made by the Central Government in this behalf.

9. Penalties.—(1) Any person who—

(a) having in his possession, custody or control any property forming part of the undertakings of the company, wrongfully withholds such property from the Central Government; or

(b) wrongfully obtains possession of any property forming part of the undertakings of the company which have vested in the Central Government under this Act; or

(c) wilfully withholds or fails to furnish to the Central Government as required by sub-section (2) of section 5 any document which may be in his possession, custody or control; or

(d) wilfully fails to furnish an inventory as required under section 6; or

(e) when required to furnish such inventory, furnishes any particulars therein which are false and which he either knows or believes to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that the court trying any offence under clause (a) or clause (b) or clause (c) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the court any property wrongfully withheld or wrongfully obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of any offence punishable under this section except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

10. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

11. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or an officer or other employee serving in connection with the affairs of the undertakings of the company for anything which is in good faith done or intended to be done under this Act.

12. Power to make regulations.—(1) The Central Government may, by notification in the Official Gazette, make regulations with regard to the matter specified in section 8.

(2) Every regulation made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

RAJYA SABHA

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to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and co-ordinated development and production of goods essential to the needs of the country in general, and defence department in particular, and for matters connected therewith or incidental thereto.

(As passed by the Houses of Parliament)

Assented to on 17-12-1973.

THE BURN COMPANY AND INDIAN STANDARD WAGON COMPANY (TAKING OVER OF MANAGEMENT) ACT, 1973

(ACT No. 57 OF 1973)

AN

ACT

to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring rational and co-ordinated development and production of rolling stock, other products of iron and steel industry and other goods needed by such industry, and for matters connected therewith or incidental thereto.

Whereas Burn and Company Limited and Indian Standard Wagon Company Limited, which are inter-linked both financially and production-wise, are engaged in the production of goods which are vital to the

needs of the economy of the country, such as, railway wagons and components thereof, steel structurals, iron castings, forgings and the like and also other goods needed by the iron and steel industry;

And whereas there has been a substantial fall in the production of goods by both companies by reason of the mismanagement of the affairs thereof, and such fall in production has adversely affected the production of goods which are vital to the needs of the economy of the country as also the fulfilment of contracts for the supply of railway wagons to countries abroad;

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title.*—This Act may be called the Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Act comes into force;

(b) “Custodian” means the person appointed under section 4 to take over the management of the undertakings of the two companies;

(c) “prescribed” means prescribed by rules made under this act;

(d) “two companies” means Burn and Company Limited and Indian Standard Wagon Company Limited, being companies as defined in the Companies Act, 1956 (1 of 1956), and both having their registered offices at 12, Mission Row, Calcutta—1;

(e) words and expressions used but not defined in this Act and defined in the Companies Act, 1956 (1 of 1956), have the meaning respectively assigned to them in that Act.

CHAPTER II

MANAGEMENT OF THE UNDERTAKINGS OF THE TWO COMPANIES

3. *Management of the undertakings of the two companies to vest in Central Government.*—(1) On and from the appointed day, the management of the undertakings of the two companies shall vest in the Central Government.

(2) The undertakings of each of the two companies shall be deemed to include all assets, rights leaseholds (including mining leases, if any), powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines, workshops, projects; washeries, smelters ropeways, stores instruments, machinery, aircraft, locomotives, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of each

of the two companies, whether within or without India, and all books of account, registers, maps, plans, sections, drawings, records of survey and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of each of the two companies in relation to the undertaking owned by each of them, and in force immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management, including persons holding offices as directors, managers or any other managerial personnel of each of the two companies, immediately before the appointed day, shall be deemed to have vacated their offices as such on the appointed day.

(5) Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub-section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office, as the case may be.

4. *Custodian of the two companies.*—(1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian of the undertakings of the two companies for the purpose of taking over the management thereof, and the Custodian shall carry on the management of the undertakings of the two companies for and on behalf of the Central Government.

(2) The Central Government may also appoint a person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Additional Custodian of the undertakings of the two companies for assisting the Custodian in the exercise of his powers and duties under this Act.

(3) The additional Custodian shall function under the direction, supervision and control of the Custodian and the Custodian may delegate all or such of the powers as he may think fit to the Additional Custodian.

(4) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Custodian as to his powers and duties as the Central Government deems to be desirable in the circumstances of the case, and the Custodian may also apply to the Central Government at any time for instructions as to the manner in which the Custodian shall conduct the management of the undertakings of the two companies or in relation to any other matter arising in the course of such management.

(5) Subject to the other provisions of this Act and to the control of the Central Government, the Custodian shall be entitled, notwithstanding anything

contained in the Companies Act, 1956 (1 of 1956), to exercise all the powers of the Board of Directors of the two companies (including the power to dispose of any properties or assets of the two companies) whether such powers are derived from the Companies Act, 1956, or from the memorandum and articles of association of either of the two companies or from any other source.

(6) Every person having possession, custody or control of any property forming part of the undertaking of either of the two companies shall deliver forthwith such property to the Custodian or to any officer or other employee of Central Government or the concerned company, as may be authorised by the Central Government in this behalf.

(7) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the undertaking of either of the two companies, including the minutes books containing the resolution of the persons in charge of the management thereof before the appointed day, the current cheque books relating to the undertaking of such company, any letters, memoranda, notes or other communications between him and such company shall, notwithstanding anything contained in any law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Custodian and shall deliver them up to Custodian or to any such person (being an officer or other employee of the Central Government or either of the two companies) as may be authorised by the Central Government in this behalf.

(8) Every person in charge of the management of the undertaking of either of the two companies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertaking of such company immediately before the appointed day and of all the liabilities and obligations of such company in relation to its undertaking subsisting immediately before that day and also of all agreements entered into by such company in relation to its undertaking and in force immediately before, that day.

(9) The Custodian and the Additional Custodian shall receive from the funds of the undertakings of the two companies such remuneration as the Central Government may fix.

5. Payment of amount.—(1) The two companies shall be given by the Central Government an amount in cash, for the vesting in it, under section 3, of the management of the undertaking of such companies.

(2) For every month during which the management of the undertakings of two companies remains vested in the Central Government, the amount referred to in sub-section (1) shall be computed at the rate of—

(a) rupees fifty thousand per annum in the case of Burn and Company Limited; and

(b) rupees twenty-five thousand per annum in the case of Indian Standard Wagon Company Limited.

CHAPTER III

MISCELLANEOUS

6. Application of Act 1 of 1956.—(1). Notwithstanding anything contained in the Companies Act, 1956, or in the memorandum or articles of association of either of the two companies, so long as the management of the undertakings of the two companies remains vested in the Central Government,—

(a) it shall not be lawful for the shareholders of either of the two companies or any other person to nominate or appoint any person to be a director of such company;

(b) no resolution passed at any meeting of the shareholders of either of the two companies on or after the appointed day shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of either of the two companies or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government;

(2) Subject to the provisions contained in sub-section (1), and to the provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act, 1956 (1 of 1956), shall continue to apply to the two companies in the same manner as it applied thereto before the appointed day.

7. Penalties.—(1) Any person, who—

(a) having in his possession or custody or under his control any property forming part of undertaking of either of the two companies, wrongfully withholds such property from the Custodian or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of the undertakings of the two companies or either of them or removes or destroys it, or

(d) wilfully withholds or fails to deliver any books, papers or other documents which may be in his possession, power or custody or under his control to the Custodian or any person authorised under this Act, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (8) of section 4,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or an officer authorised by that Government in this behalf.

8. Offences by companies.—(1) Where an offence under this Act has been committed by a company,

every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer and shall be deemed to be guilty of the that offence, and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

9. Exclusion from limitation of the period of operation of Act.—In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two companies in respect of any matter arising out of any transaction in relation to the undertaking of any of such companies, the time during which this Act is in force shall be excluded.

10. Act to have overriding effect.—The provisions of this Act or any notification order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

11. Protection in action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Custodian, Additional Custodian or any officer or other employee of the Central Government or of either of the two companies for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian or the Additional Custodian or any of the officers or other employees of the Central Government or of either of the two companies for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

12. Contracts, etc., in bad faith may be cancelled or varied.—(1) If the Central Government is satisfied, after such inquiry as it may think fit, that any contract or agreement entered into at any time within three years immediately preceding the appointed day, between

either of the two companies or managing or other director of any such company and any other person, in so far as such contract or agreement relates to the undertaking of either of the two companies, has been entered into in bad faith, or is detrimental to the interests of the undertaking of the concerned company, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

13. Avoidance of voluntary transfers.—Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of either of the two companies (not being a transfer or delivery made in the ordinary course of its business or in favour of a purchaser in good faith and for valuable consideration), if made within a period of six months immediately preceding the appointed day shall be void against the Central Government or the Custodian, as the case may be.

14. Power to terminate contracts of employment.—If the Custodian is of opinion that any contract of employment entered into by either of the two companies or any managing agent or managing or other director of either of the two companies, at any time before the appointed day is unduly onerous, he may, by giving to the employee one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

15. Power to make Rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assented to on 19-12-73.

THE CENTRAL EXCISES AND SALT (SECOND AMENDMENT ACT, 1973)

(Act No. 56 of 1973)

AN

ACT

further to amend the Central Excises and Salt Act, 1944
BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.* (1)—This Act may be called the Central Excises and Salt (Second Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the 3rd day of November, 1973.

2. *Amendment of the First Schedule.*—In the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944 (hereinafter referred to as the principal Act),—

(i) in Item No. 6, for the entry in the third column, the entry "Two thousand rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(ii) in Item No. 7, for the entry in the third column, the entry "Four hundred and sixty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted.

3. *Repeal and saving.* (1) The Central Excises and Salt (Amendment) Ordinance, 1973 (3 of 1973) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act,

Assented to on 19-12-73.

THE HOMOEOPATHY CENTRAL COUNCIL ACT,
1973

(ACT No. 59 OF 1973)

AN

ACT

to provide for the constitution of a Central Council of Homoeopathy and the maintenance of a Central Register of Homoeopathy and for matters connected therewith.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Homoeopathy Central Council Act, 1973.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States and for different provision of this Act.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "Board" means a Board, Council, Examining Body or Faculty of Homoeopathy (by whatever name called) constituted by the State Government under any law for the time being in force regulating the award of medical qualifications in, and registration of practitioners of, Homoeopathy;

(b) "Central Council" means the Central Council of Homoeopathy constituted under section 3;

(c) "Central Register of Homoeopathy" means the register maintained by the Central Council under

this Act;

(d) "Homoeopathy" means the Homoeopathic system of medicine and includes the use of Biochemic remedies;

(e) "medical institution" means any institution within or without India which grants degrees, diplomas or licences in Homoeopathy;

(f) "prescribed" means prescribed by regulation;

(g) "recognised medical qualification" means any of the medical qualifications, in Homoeopathy, included in the Second or the Third Schedule;

(h) "regulation" means a regulation made under section 33;

(i) "State Register of Homoeopathy" means a register or registers maintained under any law for the time being in force in any State regulating the registration of practitioners of Homoeopathy;

(j) "University" means any University in India established by law and having a Faculty of Homoeopathy and includes a University in India established by law in which instruction, teaching training or research in Homoeopathy is provided.

(2) Any reference in this Act to a law, which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any in force in that State.

CHAPTER II

THE CENTRAL COUNCIL AND ITS COMMITTEES

3. *Constitution of Central Council.*—(1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Central Council consisting of the following members, namely:—

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule from each State in which a State Register of Homoeopathy is maintained to be elected from amongst themselves by persons enrolled on that register as practitioners of Homoeopathy;

(b) one member from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of Homoeopathy of that University:

Provided that until any such Faculty or Department of Homoeopathy is started in at least seven Universities, the Central Government may nominate such number of members not exceeding seven as may be determined by the Central Government from amongst the teaching staff of medical institutions within India, so however, that the total number of members so nominated and elected under this clause shall in no case exceed seven;

(c) such number of members, not exceeding forty per cent of the total number of members elected under clauses (a) and (b), as may be nominated by the Central Government, from amongst persons having special knowledge or practical experience in respect of Homoeopathy or other related disciplines:

Provided that until members are elected under clause (a) or clause (b) in accordance with the provisions of this Act and the rules made thereunder, the Central Government shall nominate such number of members, being persons qualified to be chosen as such under the said clause (a) or clause (b), as the case may be, as that Government thinks fit; and references to elected members in this Act shall be construed as including references to members so nominated.

(2) The President and the Vice-President of the Central Council shall be elected by the members of the central council from amongst themselves in such manners as may be prescribed:

Provided that for two years from the first constitution of the Central Council, the President and the Vice-President shall be nominated by the Central Government from amongst the members of the Central Council and the President and the Vice-President so nominated shall, notwithstanding anything contained in sub-section (1) of section 7, hold office during the pleasure of the Central Government.

4. *Mode of election.*—(1) An election under clause (d) or clause (b) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf.

(2) Where any dispute arises regarding any election to the Central Council, it shall be referred to the Central Government whose decision shall be final.

5. *Restriction on elections and membership.*—(1) No person shall be eligible for election to the Central Council unless he possesses any of the medical qualifications included in the Second or the Third Schedule, is enrolled on any State Register of Homoeopathy and resides in the State concerned.

(2) No person may at the same time serve as a member in more than one capacity.

6. *Incorporation of Central Council.*—The Central Council shall be a body corporate by the name of the Central Council of Homoeopathy having perpetual succession and a common seal, with power to acquire hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

7. *Term of office of President, Vice-President and members of Central Council.*—(1) The President, Vice-President or a member of the Central Council shall hold office for a term of five years from the date of his election or nomination, as the case may be, or until his successor shall have been duly elected or nominated, whichever is longer.

(2) A person who holds, or who has held, office as President or Vice-President of the Central Council, shall be eligible for re-election to that office once, but only once.

(3) Members of the Central Council shall be eligible for re-election or re-nomination.

(4) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Central Council, from three consecutive ordinary meetings of the Central

Council or, in case of a member elected under clause (a) of sub-section (1) of section 3, if he ceases to be enrolled on the concerned State Register of Homoeopathy, or in the case of a member elected under clause (b) of that sub-section, if he ceases to be a member of the Faculty or Department (by whatever name called) of Homoeopathy of the University concerned.

(5) A casual vacancy in the Central Council shall be filled by election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for remainder of the term for which the member whose place he takes was elected or nominated.

(6) Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired.

8. *Meetings of Central Council.*—(1) The Central Council shall meet at least once in each year at such time and place as may be appointed by the Central Council.

(2) Unless otherwise prescribed, one-third of the total number of members of the Central Council shall form a quorum, and all the acts of the Central Council shall be decided by a majority of the members present and voting.

9. *The Executive Committee and other Committees.*—(1) The Central Council shall constitute from amongst its members an Executive Committee and such other committees for General or special purposes as the Council deems necessary to carry out the purposes of this Act.

(2) (i) The Executive Committee (hereafter in this section referred to as the Committee), shall consist of the President and Vice-President, who shall be members *ex officio*, and not less than five and not more than seven members who shall be elected by the Central Council from amongst its members.

(ii) The President and the Vice-President shall be the President and Vice-President respectively of the Committee.

(iii) In addition to the powers and duties conferred and imposed upon it by this Act, the Committee shall exercise and discharge such powers and duties as the Central Council may confer or impose upon it by any regulations which may be made in this behalf.

10. *Meetings of committees.*—(1) The committee constituted under section 9 shall meet at least twice in each year at such time and place as may be appointed by the Central Council.

(2) Unless otherwise prescribed, one-third of the total number of members of a committee shall form a quorum, and all the acts of the committee shall be decided by a majority of the members present and voting.

11. *Officers and other employees of Central Council.*—The Central Council shall—

(a) appoint a Registrar who shall also act as Secretary;

(b) employ such other persons as it deems necessary to carry out the purposes of this Act;

(c) require and take from the Registrar or from any other employee, such security for the due performance of his duties as the Central Council deems necessary; and

(d) with the previous sanction of the Central Government, fix the remuneration and allowances to be paid to the President, Vice-President and members of the Central Council and to the members of the committees thereof and determine the conditions of service of the employees of the Central Council.

12. Vacancies in the Central Council and committees thereof not to invalidate acts, etc.—No act or proceeding of the Central Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Central Council or the committee, as the case may be.

CHAPTER III

RECOGNITION OF MEDICAL QUALIFICATIONS

13. Recognition of medical qualifications granted by certain medical institutions in India.—(1) The medical qualifications granted by any University, Board or other medical institution in India which are included in the Second Schedule shall be recognised medical qualifications for the purpose of this Act.

(2) Any University, Board or other medical institution in India which grants a medical qualification not included in the Second Schedule may apply to the Central Government to have any such qualification recognised, and the Central Government, after consulting the Central Council, may, by notification in the Official Gazette, amend the Second Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification only when granted after a specified date.

14. Recognition of medical qualifications granted by medical institutions in States or countries outside India.—(1) The medical qualifications granted by medical institutions outside India which are included in the Third Schedule shall be recognised medical qualification for the purposes of this Act.

(2) (a) The Central Council may enter in to negotiations with the authority in any State or country outside India, which by the law of such State or country is intrusted with the maintenance of a Register of practitioners of Homoeopathy, for settling of a scheme of reciprocity for the recognition of medical qualifications in Homoeopathy, and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to include therein any medical qualification which the Central Council has decided should be recognised, and any such notification may also direct that an entry shall be made in the last column of the Third Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(b) Where Council has refused to recommend any medical qualification which has been proposed for recognition by any authority referred to in clause (a) and that authority applies to the Central Government in this behalf, the Central Government, after considering such application and after obtaining from the Council a report, if any, as to the reason for any such refusal, may, by notification in the Official Gazette, declare that such qualification shall be a recognised medical qualification and the provisions of clause (a) shall apply accordingly.

15. Rights of persons possessing qualifications included in Second or Third Schedule to be enrolled.—(1) Subject to the other provisions contained in this Act, any medical qualification included in the Second or the Third Schedule shall be sufficient qualification for enrolment on any State Register of Homoeopathy.

(2) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Homoeopathy,—

(a) shall hold office as Homoeopathic physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise Homoeopathy in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner;

(d) shall be entitled to give any evidence at any inquest or any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (1 of 1872) on any matter relating to Homoeopathy.

(3) Nothing contained in sub-section (2) shall affect—

(a) the right of a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy to practise Homoeopathy in any State merely on the ground that, on the commencement of this Act, he does not possess a recognised medical qualification;

(b) the privileges (including the right to practise Homoeopathy) conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, on a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy;

(c) the right of a person to practise Homoeopathy in a State in which, on the commencement of this Act, a State Register of Homoeopathy is not maintained if, on such commencement, he has been practising Homoeopathy for not less than five years;

(d) the rights conferred by or under the Indian Medical Council Act, 1956 (102 of 1956) [including the right to practise medicine as defined in clause (f) of section 2 of the said Act] or the Indian Medicine Central Council Act, 1970 (48 of 1970) of persons possessing any qualifications included in the respective Schedules to the said Act.

(4) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

16. *Power to require information as to courses of study and examinations.*—Every University, Board or medical institution in India which grants a recognised medical qualification shall furnish such information as the Central Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

17. *Inspectors at examinations.*—(1) The Central Council shall appoint such number of medical inspectors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given, or to attend any examination held by any University, Board or medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by that University, Board or medical institution.

(2) The medical inspectors shall not interfere with the conduct of any training or examination, but shall report to the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy, as the case may be, or on the sufficiency of every examination which they attend.

(3) The Central Council shall forward a copy of any such report to the University, Board or medical institution concerned, and shall also forward a copy with the remarks of the University Board or medical institution thereon, to the Central Government.

18. *Visitors at examinations.*—(1) The Central Council may appoint such number of visitors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given or to attend any examination for the purpose of granting recognised medical qualification.

(2) Any person, whether he is a member of the Central Council or not, may be appointed as a visitor under this section but a person who is appointed as an inspector under section 17 for any inspection or examination, shall not be appointed as a visitor for the same inspection or examination.

(3) The visitors shall not interfere with the conduct of any training or examination, but shall report to the President of the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy or on the sufficiency of every examination which they attend.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Central Council otherwise directs:

Provided that if the Central Government requires a copy of the report of a visitor, the Central Council

shall furnish the same.

19. *Withdrawal of recognition.*—(1) When upon report by the inspector or the visitor, it appears to the Central Council—

(a) that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, any University, Board or medical institution, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University, Board or medical institution or in any college or other institution affiliated to the University,

do not conform to the standard prescribed by the Central Council, the Central Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the Government of the State in which the University, Board or medical institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the University, Board or medical institution, with an intimation of the period within which the University, Board or medical institution may submit its explanation to the State Government.

(3) On the receipt of the explanation, or, where no explanation is submitted within the period fixed thereon, on the expiry of that period the State Government shall make its recommendations to the Central Government.

(4) The Central Government, after making such further inquiry, if any, as it may think fit, may, by notification in the Official Gazette, direct that an entry shall be made in the Second Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date, or that the said medical qualification is granted to students of a specified college or institution affiliated to any University shall be recognised medical qualification only when granted before a specified date, or, as the may be, that the said medical qualification shall be recognised medical qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

20. *Minimum standards of education in Homoeopathy.*—(1) The Central Council may prescribe the minimum standards of education in Homoeopathy, required for granting recognised medical qualifications by Universities, Boards or medical institutions in India.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Central to all State Governments and the Central Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.

CHAPTER IV

THE CENTRAL REGISTER OF HOMOEOPATHY

21. *The Central Register of Homoeopathy.*—(1) The Central Council shall cause to be maintained in the

prescribed manner, a register of practitioners of Homoeopathy to be known as Central Register of Homoeopathy which shall contain—

(a) in Part I, the names of all persons who are for the time being enrolled on any State Register of Homoeopathy and possess any of the recognised medical qualifications;

(b) in Part II, the names of all persons, other than those included in Part I, who are for the time being enrolled on any State Register of Homoeopathy.

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Homoeopathy in accordance with the provisions of this Act and of any orders made by the Central Council, and from time to time to revise the register, and publish it in the Gazette of India and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (1 of 1872), and may be proved by a copy published in the Gazette of India.

22. *Supply of copies of state Register of Homoeopathy.*— Each Board shall supply to the Central Council three printed copies of the State Register of Homoeopathy as soon as may be after the commencement of this Act and subsequently after the first day of April of each year, and each Board shall inform the Central Council without delay of all additions to, and other amendments in, the State Register of Homoeopathy made from time to time.

23. *Registration in the Central Register of Homoeopathy.*—The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register of Homoeopathy or on application made in the prescribed manner by any person, enter his name in the Central Register of Homoeopathy, provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.

24. *Professional conduct.*— (1) The Central Council may prescribe standards of professional conduct and etiquette and a code of ethics for practitioners of Homoeopathy.

(2) Regulations made by the Central Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any law for the time being in force.

25. *Removal of names from the Central Register of Homoeopathy.*— (1) If the name of any person enrolled on a State Register of Homoeopathy is removed therefrom in pursuance of any power conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, the Central Council shall direct the removal of the name of such person from the Central Register of Homoeopathy.

(2) Where the name of any person has been removed from a State Register of Homoeopathy on any

ground other than that he is not possessed of the requisite medical qualifications or where any application by the said person for restoration of his name to the State Register of Homoeopathy has been rejected, he may appeal in the prescribed manner and subject, to such conditions, including conditions as to the payment of a fee, as may be prescribed, to the Central Government whose decision, which shall be given after consulting the Central Council, shall be binding on the State Government and on the authorities concerned with the preparation of the State Register of Homoeopathy.

26. *Privileges of persons who are enrolled on the Central Register of Homoeopathy.*— (1) Subject to the conditions and restrictions laid down in this Act regarding practice of Homoeopathy by persons possessing certain recognised medical qualifications, every person whose name is for the time being borne on Part I of the Central Register of Homoeopathy shall be entitled according to his qualifications to practise Homoeopathy in any Part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.

(2) Subject to the provisions of sub-section (3) of section 15, any person whose name is for the time being borne on Part II of the Central Register of Homoeopathy, may practise Homoeopathy in any State, other than the State where he is enrolled on the State Register of Homoeopathy, with the previous approval of the Government of the State where he intends to practise.

27. *Registration of additional qualifications.*— (1) any person whose name is entered in the Central Register of Homoeopathy obtains any title, diploma or other qualification for proficiency in Homoeopathy, which is a recognised medical qualification, he shall, on application made in this behalf in the prescribed manner, be entitled, to have an entry stating such other title, diploma or other qualification made against his name in the Central Register of Homoeopathy either in substitution for or in addition to any entry previously made.

(2) The entries in respect of any such person in a State Register of Homoeopathy shall be altered in accordance with the alterations made in the Central Register of Homoeopathy.

28. *Persons enrolled on Central Register of Homoeopathy to notify change of place of residence or practice.*—Every person registered in the Central Register of Homoeopathy shall notify any transfer of the place of his residence or practice to the Central Council and to the Board concerned, within ninety days of such transfer, failing which his right to participate in the election of members to the Central Council or a Board shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

CHAPTER V

MISCELLANEOUS

29. *Information to be furnished by Central Council and publication thereof.*— (1) The Central Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

(2) The Central Government may publish in such manner as it may think fit, any report, copy, abstract or other information furnished to it under this section or under section 18.

30. Commission of Inquiry.—(1) Whenever it is made to appear to the Central Government that the Central Council is not complying with any of the provisions of this Act, the Central Government may refer the particulars of the complaint to a commission of inquiry consisting of three persons, two of whom shall be appointed by the Central Government, one being a Judge of a High Court, and one by the Central Council, and such commission shall proceed to inquire in a summary manner and to report to the Central Government as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the commission to have been established, the commission shall recommend the remedies, if any, which are in its opinion, necessary.

(2) The Central Government may require the Central Council to adopt the remedies so recommended within such time as having regard to the report of the commission, it may think fit, and if the Central Council fails to comply with any such requirement, the Central Government may amend the regulations of the Central Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the commission.

(3) A commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908 (5 of 1908).

31. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government, the Central Council or a Board or any committee thereof or any officer or servant of the Government or the Central Council or the Board or the committee aforesaid for anything which is in good faith done or intended to be done under this Act.

32. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity anything previously done under that rule.

33. Power to make regulations.—The Central Council may, with the previous sanction of the Central Govern-

ment, make regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such regulations may provide for—

(a) the manner of election of the President and Vice-President of the Central Council;

(b) the management of the property of the Central Council and the maintenance and audit of its accounts;

(c) the resignation of members of the Central Council;

(d) the powers and duties of the President and Vice-President;

(e) the summoning and holding of meetings of the Central Council and the committees thereof, the times and places where such meetings are to be held, and the conduct of business thereat and the number of members necessary to constitute a quorum;

(f) the functions of the committees constituted under section 9;

(g) the tenure of office, and the powers and duties of the Registrar and other officers and servants of the Central Council;

(h) the qualifications, appointment, powers and duties of, and procedure to be followed by, inspectors and visitors;

(i) the courses and period of study of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in any University, Board or medical institution for grant of recognised medical qualification;

(j) the standards of staff equipment, accommodation, training and other facilities for education in Homoeopathy;

(k) the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations;

(l) the standards of professional conduct and etiquette and code of ethics to be observed by practitioners of Homoeopathy;

(m) the particulars to be stated, and the proof of qualifications to be given in applications for registration under this Act;

(n) the manner in which and the conditions subject to which an appeal under section 25 may be preferred;

(o) the fees to be paid on applications and appeals under this Act; and

(p) any matter for which under this Act provision may be made by regulations.

THE FIRST SCHEDULE

[See section 3 (1) (a)]

1. The Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy in each State on the following basis, namely:—

- (a) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 100 but does not exceed 10,000 ... 1 seat.
- (b) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 10,000 but does not exceed 20,000 ... 2 seats.
- (c) Where the number of persons en-

rolled on a State Register of Homoeopathy system exceeds 20,000 but does not exceed 30,000 ... 3 seats.

- (d) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 30,000 but does not exceed 40,000 ... 4 seats.
- (e) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 40,000 ... 5 seats.

2. For every subsequent election to the Central Council under clause (a) of sub-section (1) of section 3, the Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy on the basis laid down in paragraph 1 above.

THE SECOND SCHEDULE

(See section 13)

RECOGNISED MEDICAL QUALIFICATIONS IN HOMOEOPATHY GRANTED BY UNIVERSITIES, BOARDS OR MEDICAL INSTITUTIONS IN INDIA

Name of University, Board or Medical Institution 1	Recognised medical qualifications 2	Abbreviation for registration 3	Remarks 4
ANDHRA PRADESH			
1. Andhra Provincial Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine.	D.H.M.	April 1949 to March, 1969.
2. Dr. Gururaju Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From April, 1970 onwards.
3. Board of Indian Medicine, Hyderabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From October, 1971.
BIHAR			
4. Bihar State Board of Homoeopathic Medicine.	Diploma in Medicine and Surgery.	D.M.S.	Since 1961.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
DELHI			
5. Board of Homoeopathic System of Medicine, Delhi.	Diploma in Homoeopathic Science.	D.H.S.	From 1965 to 1970-71.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
KARNATAKA			
6. The Homoeopathic Medical College, Balgaum.	Licentiate of the Court of Examiners in Homoeopathy.	L.C.E.H.	From June, 1971 to December, 1971.
7. Court of Examiners in Homoeopathic Education, Bangalore.	Licentiate of the Court of Examiners in Homoeopathy.	L.C.E.H.	From January, 1973.
	Graduate of the Court of Examiners in Homoeopathy.	G.C.E.H.	From January, 1973.
KERALA			
8. Board of Examiners in Homoeopathy, Government of Kerala.	Diploma in Homoeopathic Medicine.	D.H.M.	From 1962 onwards.
9. Royal College of Homoeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homoeopathic Physicians.	L.R.C.H.P.	Upto 1966-67.
MADHYA PRADESH			
10. The Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry.	D.H.B.	From 1960 onwards.
MAHARASHTRA			
11. The Court of Examiners of Homoeopathic and Biochemic Systems of Medicine, Bombay.	Licentiate of the Court of Examiners in Homoeopathy.	L.C.E.H.	From December, 1961 onwards.
	Diploma in Homoeopathy and Biochemistry.	D.H.B.	From October, 1955 onwards.

1	2	3	4
12. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in Homoeopathy.	F.C.E.H.	In May, 1958 only.
ORISSA			
13. Orissa Board of Homoeopathic Medicine, Bhubaneswar.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1972 onwards.
UTTAR PRADESH			
14. State Board of Homoeopathic Medicine, U.P., Lucknow.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	In 1961 to 1963.
	Bachelor of Medicine and Surgery.	B.M.S.	From 1958 to 1960 and from 1970 onwards.
	Certificate of Homoeopathic Practice.	C.H.P.	
15. Agra University, Agra.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.
16. Kanpur University, Kanpur.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
17. National Homoeopathic Medical College and Hospital, Lucknow.		H.L.M.S.	From 1923 to 1936.
		H.M.D.	From 1925 to 1942.
		H.M.B.	From 1924 to 1949.
		B.M.S.	From 1950 to 1957.
		H.M.B.	From 1931 to 1936.
18. Homoeopathic Medical College, Lucknow			
WEST BENGAL			
19. The Council of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1965 onwards.
20. General Council and State Faculty of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1943 to 1964.
21. Calcutta Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Up to 1936.
	Bachelor of Medicine and Bachelor of Surgery.	B.M.B.S.	From 1936 to 1942.
22. Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	Up to 1942.
	Master of Homoeopathic Medicine and Surgery.	M.H.M.S.	Up to 1942.
	Licentiate in Homoeopathic Medicine and Surgery.	L.H.M.S.	Up to 1942.
23. Dunham Homoeopathic Medical College, Calcutta.	Member of Dunham College of Homoeopathy.	M.D.C.H.	Up to 1942.
24. Ashutosh Homoeopathic Medical College, Calcutta.	Practitioner of Rational System of Medicine.	P.R.S.M.	Up to 1942.
	Practitioner of Healing Art.	P.H.A.	Up to 1942.
25. Herring Homoeopathic Medical College, Calcutta.	Licentiate of the Rational Homoeopathic Society.	L.R.H.S.	Up to 1942.
26. Regular Homoeopathic Medical College, Calcutta.	Licentiate in Homoeopathic Medicine and Surgery.	H.L.M.S.	Up to 1942.
27. Central Homoeopathic College, Calcutta.		H.L.M.S.	1910.
		H.M.B.	1910.
28. Bengal Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Up to 1942.

THE THIRD SCHEDULE

(See section 14)

QUALIFICATIONS GRANTED BY MEDICAL INSTITUTIONS OUTSIDE INDIA

Name of University, Board or Medical Institution	Recognised medical qualification	Abbreviation for registration	Remarks
1	2	3	4
1. Faculty of Homoeopathy, London.	Diploma of the Faculty of Homoeopathy.	D.F. Hom.	..
2. Faculty of Homoeopathy, London.	Member of the Faculty of Homoeopathy.	M.F. Hom.	..
3. Faculty of Homoeopathy, London.	Fellow of the Faculty of Homoeopathy.	F.F. Hom.	..

Assented to on 22-12-73.

THE ADVOCATES (AMENDMENT) ACT, 1973
(ACT NO. 60 OF 1973)

AN
ACT

further to amend the Advocates Act, 1961

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the advocates (Amendment) Act, 1973.

2. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*—In section 1 of the Advocates Act, 1951 (25 of 1951), (hereinafter referred to as the principal Act),—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India.”;

(b) in sub-section (3), for the words “shall come into force”, the words, brackets and figure “shall, in relation to the territories other than those referred to in sub-section (4), come in to force” shall be substituted.

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) This Act shall, in relation to the State of Jammu and Kashmir and the Union territory of Goa, Daman and Diu, come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.”.

3. *Amendment of section 2.*—Section 2 of the principal Act shall be re-numbered as sub-section (1) of that section, and

(1) in sub-section (1) as so re-numbered,—

(a) clause (f) shall be omitted;

(b) in clause (g),—

(i) after the words, brackets and figure “except in sub-section (1)”, the words, brackets, figure and letter “and sub-section (1A),” shall be inserted;

(ii) in sub-clause (ii), for the words “the High Court of Punjab”, the words “the High Court of Delhi” shall be substituted;

(2) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) any reference in this Act to a law which is not in force in the State of Jammu and Kashmir or in the Union territory of Goa, Daman and Diu, shall, in relation to that State or that territory, be construed as a reference to the corresponding law, if any, in force in that State or that territory, as the case may be.”.

4. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), after the word “Gujrat,” the words “Jammu and Kashmir,” shall be inserted;

(ii) in clause (ccc), for the words “the Union territory of Dadra and Nagar Haveli,” the words “the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu,” shall be substituted;

(b) in sub-section (2),—

(i) in clause (a), after the words “the Additional Solicitor-General of India *ex-officio*,” the words “in the case of State Bar Council of Assam, Nagaland, Meghalaya, Manipur, and Tripura, the advocate-General of each of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura, *ex-officio*; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, *ex-officio*,” shall be inserted;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) in the case of a State Bar Council with an electorate not exceeding five thousand, fifteen members, in the case of a State Bar Council with an electorate exceeding five thousand but not exceeding ten thousand, twenty members, and in the case of a State Bar Council with an electorate exceeding ten thousand, twenty-five members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council.”;

(c) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Nothing in clause (b) of sub-section (2) shall affect the representation of elected members in any State Bar Council as constituted immediately before the commencement of the Advocates (Amendment) Act, 1973, until that State Bar Council is reconstituted in accordance with the provisions of this Act.”.

5. *Amendment of section 4.*—In section 4 of the Principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) No person shall be eligible for being elected as a member of the Bar council of India unless he possesses the qualifications specified in the proviso to sub-section (2) of section 3.”;

(b) in clause (i), of sub-section (3), after the words “his election”, the words “or till he ceases to be a member of the State Bar Council, whichever is earlier” shall be inserted.

6. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) in sub-section (1), after clause (e), the following clauses shall be inserted, namely:—

“(ee) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;

(eee) to organise legal aid to the poor in the prescribed manner.”;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) A State Bar Council may constitute one or more funds in the prescribed manner for the purpose of—

(a) giving financial assistance to organise welfare schemes for the indigent, disabled or other advocates;

(b) giving legal aid or advice in accordance with the rules made in this behalf.

(3) A State Bar Council may receive any grants, donations, gifts or benefactions for all or any purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section."

7. *Amendment of section 7.*—Section 7 of the principal Act shall be re-numbered as sub-section (1) of that section, and

(a) in sub-section (1) as so re-numbered,—

(i) clause (a) shall be omitted;

(ii) after clause (i), the following clauses shall be inserted, namely:—

(ia) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;

"(ib) to organise legal aid to the poor in the prescribed manner;

(ic) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;"

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of—

(a) giving financial assistance to organise welfare schemes for indigent, disabled or other advocates;

(b) giving legal aid or advice in accordance with the rules made in this behalf.

(3) The Bar Council of India may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section."

8. *Insertion of new section 7A.*—After section 7 of the principal Act, the following section shall be inserted, namely:—

"7A. *Membership in international bodies.*—The Bar Council of India may become a member of International legal bodies such as the International Bar Association or the International Legal Aid Association, contribute such sums as it thinks fit to such bodies by way of subscription or otherwise and authorise expenditure on the participation of its representatives in any international legal conference or seminar."

9. *Insertion of new section 9A.*—After section 9 of the principal Act, the following section shall be inserted, namely:—

"9A. *Constitution of legal aid committees.*—(1) A Bar Council may constitute one or more legal aid committees each of which shall consist of such number of members, not exceeding nine but not less than five, as may be prescribed.

(2) The qualifications, the method of selection and the term of office of the members of a legal aid committee shall be such as may be prescribed."

10. *Insertion of new section 10A.*—Section 10A of the principal Act shall be re-numbered as section 10B and before section 10B as so renumbered, the following section shall be inserted, namely:—

"10A. *Transaction of business by Bar Councils and Committees thereof.*—(1) The Bar Council of India shall meet at New Delhi.

(2) A State Bar Council shall meet at its headquarters.

(3) The Committees other than disciplinary committees constituted by the Bar Councils shall meet at the headquarters of the respective Bar Councils.

(4) Every Bar Council and every committee thereof except the disciplinary committees shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed.

(5) The disciplinary committees constituted under section 9 shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed."

11. *Amendment of section 12.*—In section 12 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) As soon as may be practicable at the end of each financial year, but not later than the 31st day of December of the year next following, a State Bar Council shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Bar Council of India and shall cause the same to be published in the official Gazette.

(4) As soon as may be practicable at the end of each financial year, but not later than the 31st day of December of the year next following, the Bar Council of India shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Central Government and shall cause the same to be published in Gazette of India."

12. *Amendment of section 15.*—In section 15 of the principal Act, in sub-section (2),—

(a) for clause (a), the following clause shall be substituted, namely:—

"(a) the election of members of the Bar Council by secret ballot including the conditions subject to which persons can exercise the right to vote by postal ballot, the preparation and revision of electoral rolls and the manner in which the results of election shall be published;"

(b) clause (b) shall be omitted;

(c) after clause (g), the following clauses shall be inserted, namely:—

"(ga) the constitution of one or more funds by a Bar Council for the purpose of giving financial assistance or giving legal aid or advice referred to in sub-section (2) of section 6 and sub-section (2) of section 7;

(gb) organisation of legal aid and advice to

the poor, constitution and functions of committees and sub-committees for that purpose and description of proceedings in connection with which legal aid or advice may be given;" ;

(d) in clause (h), the words "the times and places where such meetings are to be held" shall be omitted.

13. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (2), for the words "experience and standing at the Bar", the words "standing at the Bar or special knowledge or experience in law" shall be substituted.

14. *Amendment of section 17.*—In section 17 of the principal Act,—

(a) in clause (a) or sub-section (1), for the words "and who within the prescribed time", the words, figures and letters "including persons, being citizens of India, who before the 15th day of August, 1947, were enrolled as advocates under the said Act in any area which before the said date was comprised within India as defined in the Government of India Act, 1935, and who at any time" shall be substituted;

(b) in sub-section (3), clause (c) shall be omitted.

15. *Substitution of new section for section 20.*—For section 20 of the principal Act, the following section shall be substituted, namely:—

"20. *Special provision for enrolment of certain Supreme Court advocates.*—(1) Notwithstanding anything contained in this Chapter, every advocate who was entitled as of right to practise in the Supreme Court immediately before the appointed day and whose name is not entered in any State roll may, within the prescribed time, express his intention in the prescribed form to the Bar Council of India for the entry of his name in the roll of a State Bar Council and on receipt thereof the Bar Council of India shall direct that the name of such advocate shall, without payment of any fee, be entered in the roll of that State Bar Council, and the State Bar Council concerned shall comply with such direction.

(2) Any entry in the State roll made in compliance with the direction of the Bar Council of India under sub-section (1) shall be made in the order of seniority determined in accordance with the provisions of sub-section (3) of section 17.

(3) Where an advocate referred to in sub-section (1) omits or fails to express his intention within the prescribed time, his name shall be entered in the roll of the State Bar Council of Delhi."

16. *Amendment of section 21.*—In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Subject as aforesaid, if any dispute arises with respect to the seniority of any person, it shall be referred to the State Bar Council concerned for decision."

17. *Substitution of new section for section 22.*—For section 22 of the principal Act, the following section shall be substituted, namely:—

"22. *Certificate of enrolment.*—(1) There shall be

issued a certificate of enrolment in the prescribed form by the State Bar Council to every person whose name is entered in the roll of advocates maintained by it under this Act.

"(2) Every person whose name is so entered in the State roll shall notify any change in the place of his permanent residence to the State Bar Council concerned within ninety days of such change."

18. *Amendment of section 24.*—In section 24 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (c),—

(I) in sub-clause (i), for the figures, letters and words "28th day of February, 1963", the figures, letters and words "12th day of March, 1967" shall be substituted;

(II) for sub-clause (iii), the following sub-clauses shall be substituted, namely:—

(iii) after the 12th day of March, 1967, save as provided in sub-clause (iiia), after undergoing a three-year course of study in law from any University in India which is recognised for the purposes of this Act by the Bar Council; or

(iiia) after undergoing a course of study in law, the duration of which is not less than two academic years commencing from the academic year 1967-68 or any earlier academic year from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or";

(III) for the words "he is a barrister", the following shall be substituted, namely:—

"he is a barrister and is called to the Bar on or before the 31st day of December, 1976; or has obtained such other foreign qualification in law as is recognised by the Bar Council of India for the purpose of admission as an advocate under this Act";

(ii) clause (d) shall be omitted;

(iii) for clause (f), the following clause shall be substituted, namely:—

"(f) he has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian Stamp Act, 1899 (2 of 1899), and an enrolment fee payable to the State Bar Council of two hundred and fifty rupees:

Provided that where such person is a member of the Scheduled Castes or the Scheduled Tribes and produces a certificate to that effect from such authority as may be prescribed, the enrolment fee payable by him to the State Bar Council shall be one hundred and twenty-five rupees."

(b) in sub-section (3),—

(i) after clause (a), the following clause shall be inserted, namely:—

"(aa) before the 1st day of December, 1971, was entitled otherwise than as an advocate to practise the profession of law (whether by way of pleading or acting or both) by virtue of the provisions of any law, or who would have been so entitled had he not been in public service on the said date; or";

(ii) clause (b) shall be omitted.

19. *Insertion of new section 24A.*—After section 24 of the principal Act, the following section shall be inserted, namely:—

“24A. *Disqualification for enrolment.*—(1) No person shall be admitted as an advocate on a State roll—

(a) if he is convicted of an offence involving moral turpitude;—

(a) if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955 (22 of 1955):—

Provided that the disqualification for enrolment as aforesaid shall cease to have effect after a period of two years has elapsed since his release.

(2) Nothing contained in sub-section (1) shall apply to a person who having been found guilty is dealt with under the provisions of the Probation of Offenders Act, 1958 (20 of 1958).”

20. *Substitution of new section for section 26A.*—For section 26A of the principal Act, the following section shall be substituted, namely:—

“26A. *Power to remove names from roll.*—A State Bar Council may remove from the State roll the name of any advocate who is dead or from whom a request has been received to that effect.”

21. *Amendment of section 28.*—In section 28 of the principal Act, in sub-section (2),—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) the time within which and form in which an advocate shall express his intention for the entry of his name in the roll of a State Bar Council under section 20;”;

(b) clause (b) shall be omitted.

22. *Amendment of section 30.*—In section 30 of the principal Act, for the words “common roll”, the words “State roll” shall be substituted.

23. *Amendment of section 34.*—In section 34 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The High Court shall make rules for fixing and regulating by taxation or otherwise the fees payable as costs by any party in respect of the fees of his adversary's advocate upon all proceedings in the High Court or in any Court subordinate there-to.”

24. *Amendment of section 35.*—In section 35 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The State Bar Council may, either of its own motion or on application made to it by any person interested, withdraw a proceeding pending before its disciplinary committee and direct the inquiry to be made by any other disciplinary committee of that State Bar Council.”;

(b) in sub-section (2), the words, “if it does not summarily reject the complaint,” shall be omitted;

(c) in the *Explanation*, after the words “In this

section”, the words and figures “section 37 and section 38” shall be inserted.

25. *Amendment of section 36.*—In section 36 of the principal Act,—

(a) in sub-section (1), the words “on the common roll” shall be omitted;

(b) in sub-section (2), for the words “of its own motion”, the words “either of its own motion or on a report by any State Bar Council or on an application made to it by any person interested” shall be substituted;

(c) in sub-section (4), for the words “before the Bar Council of India”, the words “before the disciplinary committee of the Bar Council of India” shall be substituted.

26. *Insertion of new sections 36A and 36B.*—After section 36 of the principal Act, the following sections shall be inserted, namely:—

“36A. *Changes in constitution of disciplinary committees.*—Whenever in respect of any proceedings under section 35 or section 36, a disciplinary committee of the State Bar Council or a disciplinary committee of the Bar Council of India ceases to exercise jurisdiction and is succeeded by another committee which has and exercises jurisdiction, the disciplinary committee of the State Bar Council or the disciplinary committee of the Bar Council of India, as the case may be, so succeeding may continue the proceedings from the stage at which the proceedings were so left by its predecessor committee.

36B. *Disposal of disciplinary proceedings.*—(1) The disciplinary committee of a State Bar Council shall dispose of the complaint received by it under section 35 expeditiously and in each case the proceedings shall be concluded within a period of one year from the date of the receipt of the complaint or the date of initiation of the proceedings at the instance of the State Bar Council, as the case may be, failing which such proceedings shall stand transferred to the Bar Council of India which may dispose of the same as if it were a proceeding withdrawn for inquiry under sub-section (2) of section 36.

(2) Notwithstanding anything contained in sub-section (1), where on the commencement of the Advocates (Amendment) Act, 1973, any proceedings in respect of any disciplinary matter against an advocate is pending before the disciplinary committee of a State Bar Council, that disciplinary committee of the State Bar Council shall dispose of the same within a period of six months from the date of such commencement or within a period of one year from the date of the receipt of the complaint or, as the case may be, the date of initiation of the proceedings at the instance of the State Bar Council, whichever is later, failing which such proceedings shall stand transferred to the Bar Council of India for disposal under sub-section (1).”

27. *Amendment of section 37.*—In section 37 of the principal Act,—

(a) in sub-section (1), after the words and figures “under section 35”, the words “or the Advocate-General of the State” shall be inserted;

(b) in sub-section (2),—

(i) after the words "such order"; in brackets and words "(including an order varying the punishment awarded by the disciplinary committee of the State Bar Council)" shall be inserted;

(ii) the following proviso shall be inserted at the end, namely:—

"Provided that no order of the disciplinary committee of the State Bar Council shall be varied by the disciplinary committee of the Bar Council of India so as to prejudicially affect the person aggrieved without giving him reasonable opportunity of being heard."

28. *Amendment of section 38.*—In section 38 of the principal Act,—

(a) after the words and figures "or section 37", the words "or the Attorney-General of India or the Advocate-General of the State concerned, as the case may be," shall be inserted;

(b) after the words "such order", the brackets and words "(including an order varying the punishment awarded by the disciplinary committee of the Bar Council of India)" shall be inserted;

(c) the following proviso shall be inserted at the end namely:—

"Provided that no order of the disciplinary committee of the Bar Council of India shall be varied by the Supreme Court so as to prejudicially affect the person aggrieved without giving him a reasonable opportunity of being heard."

29. *Substitution of new section for section 39.*—For section 39 of the principal Act, the following section shall be substituted, namely:—

"39. *Application of the sections 5 and 12 of Limitation Act, 1963.*—The provisions of sections 5 and 12 of the Limitation Act, 1963 (36 of 1963), shall, so far as may be, apply to appeals under section 37 and section 38."

30. *Amendment of section 40.*—Section 40 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Where an application is made for stay of the order before the expiration of the time allowed for appealing therefrom under section 37 or section 38, the disciplinary committee of the State Bar Council, or the disciplinary committee of the Bar Council of India, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit."

31. *Amendment of section 41.*—In section 41 of the principal Act,—

(a) in sub-section (1),—

(i) clause (b) shall be omitted; and

(ii) the words "or the common roll, as the case may be" shall be omitted;

(b) sub-section (2) shall be omitted.

32. *Amendment of section 42.*—In section 42 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) Notwithstanding the absence of the Chairman

or any member of a disciplinary committee on a date fixed for the hearing of a case before it, the disciplinary committee may, if it so thinks fit, hold or continue the proceedings on the date so fixed and no such proceedings and no order made by the disciplinary committee in any such proceedings shall be invalid merely by reason of the absence of the Chairman or member thereof on any such date:

Provided that no final orders of the nature referred to in sub-section (3) of section 35 shall be made in any proceeding unless the Chairman and other member of the disciplinary committee are present.

(5) Where no final orders of the nature referred to in sub-section (3) of section 35 can be made in any proceedings in accordance with the opinion of the Chairman and the members of a disciplinary committee either for want of majority opinion amongst themselves or otherwise, the case, with their opinion thereon, shall be laid before the Chairman of the Bar Council concerned or if the Chairman of the Bar Council is acting as the Chairman or a member of the disciplinary committee, before the Vice-Chairman of the Bar Council, and the said Chairman or the Vice-Chairman of the Bar Council, as opinion and the final order of the disciplinary committee shall follow the case may be, after such hearing as he thinks fit, shall deliver his such opinion."

33. *Insertion of new section 42A.*—After section 42 of the principal Act, the following section shall be inserted, namely:—

"42A. *Powers of Bar Council of India and other committees.*—The provisions of section 42 shall, so far as may be, apply in relation to the Bar Council of India, the enrolment committee, the election committee, the legal aid committee, or any other committee of a Bar Council as they apply in relation to the disciplinary committee of a Bar Council."

34. *Amendment of section 44.*—In section 44 of the principal Act, after the words "review any order", the words "within sixty days of the date of that order", shall be inserted.

35. *Insertion of new section 46A.*—After section 46 of the principal Act, the following section shall be inserted, namely:—

"46A. *Financial assistance to State Bar Council.*—The Bar Council of India may, if it is satisfied that any State Bar Council is in need of funds for the purpose of performing its functions under this Act, give such financial assistance as it deems fit to that Bar Council by way of grant or otherwise."

36. *Amendment of section 48.*—In section 48 of the principal Act, after the words "a member of a Bar Council", the words "or any committee thereof" shall be inserted.

37. *Insertion of new section 48AA.*—After section 48A of the principal Act, the following section shall be inserted, namely:—

"48AA. *Review.*—The Bar Council of India or any of its committees, other than its disciplinary committee, may of its own motion or otherwise review any order, within sixty days of the date of that order, passed by it under this Act."

38. *Amendment of section 49.*—Section 49 of the principal Act shall be re-numbered as sub-section (1) of that section, and

(a) in sub-section (1) as so re-numbered,—

(1) for clause (af), the following clause shall be substituted, namely:—

“(af) the minimum qualifications required for admission to a course of degree in law in any recognised University;”;

(2) after clause (g), the following clause shall be inserted, namely:—

“(gg) the form of dresses or robes to be worn by advocates, having regard to the climatic conditions, appearing before any court or tribunal;”;

(3) in the existing proviso,—

(i) for the words “Provided that”, the words “Provided further that” shall be substituted,

(ii) before the proviso as so amended, the following proviso shall be inserted, namely:—

“Provided, that no rules made with reference to clause (c) or clause (gg) shall have effect unless they have been approved by the Chief Justice of India.”;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the first proviso to sub-section (1), any rules made with reference to clause (c) or clause (gg) of the said sub-section and in force immediately before the commencement of the Advocates (Amendment) Act, 1973, shall continue in force until altered or repealed or amended in accordance with the provisions of this Act.”

39. *Amendment of section 49A.*—In section 49A of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, the case as may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

40. *Insertion of new sections 58AC, 58AD, 58AE and 58AF.*—After section 58AB of the principal Act, the following sections shall be inserted, namely:—

“58AC. *Special provisions with respect to certain persons enrolled by Uttar Pradesh State Bar Council.*—

Notwithstanding anything contained in this Act or any judgement, decree or order of any court, every person who was enrolled as an advocate by the High Court during the period beginning with the 2nd day of January, 1962 and ending on the 25th day of May, 1952 and was subsequently admitted as an advocate on the State roll by the State Bar Council of Uttar Pradesh shall be deemed to have been validly admitted as an advocate on that State roll from the date of his

enrolment by the High Court and accordingly entitled to practise the profession of law (whether by way of pleading or acting or both).

58AD. *Special provisions with respect to certain persons migrating to India.*—Notwithstanding the repeal by this Act of the provisions of the Legal Practitioners Act, 1879, or of any other law relating to the admission and enrolment of legal practitioners (hereinafter in this section referred to as such Act or law), every person who migrates to the territory of India from any area which, before the 15th day of August, 1947, was comprised within India as defined in the Government of India Act, 1935, and who has, before such migration, been a pleader mukhtar or revenue agent in any such area under any law in force therein, may be admitted and enrolled under the relevant provisions of such Act or law as a pleader, mukhtar or, as the case may be, revenue agent, if he—

(a) makes an application for the purpose to the appropriate authority under such Act or law; and

(b) is a citizen of India and fulfils other conditions, if any specified in this behalf by the appropriate authority aforesaid, and notwithstanding the repeal by this Act of the relevant provisions of such Act or law, every pleader, mukhtar or revenue agent so enrolled shall have the same rights as respects practice in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority to which he would be subject under the relevant provisions of such Act or law as if they had not been repealed and accordingly, those provisions shall have effect in relation to such persons.

58AE. *Special provisions in relation to the Union territory of Goa, Daman and Diu.*—(1) Notwithstanding anything contained in this Act, all persons who, immediately before the date on which the provisions of Chapter III are brought into force in the Union territory of Goa, Daman and Diu, were entitled to practise the profession of law (whether by way of pleading or acting or both) under any law in force in the said Union territory or who would have been so entitled had they not been in public service on the said date, shall, for the purpose of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926 (38 of 1926), and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of Maharashtra, be admitted as an advocate on the State roll maintained in respect of the said Union territory:

Provided that the provisions of this sub-section shall not apply to any person who, on the date of the application aforesaid, was not a citizen of India.

(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the Union territory of Goa, Daman and Diu, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force in the said Union territory, or who does not

elect to be or is not qualified to be enrolled as an advocate under sub-section (1), shall, notwithstanding the repeal by this Act of the relevant provisions of such law, continue to enjoy the same rights as respects practice in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.

(3) On the date on which this Act or any part thereof comes into force in the Union territory of Goa, Daman and Diu, the law in force in that Union territory which corresponds to this Act or such part and which does not stand repealed by virtue of the provisions of section 50 of this Act, shall also stand repealed.

58AF. *Special provisions in relation to Jammu and Kashmir.*—(1) Notwithstanding anything contained in this Act, all advocates who, immediately before the date on which the provisions of Chapter III are brought into force in the State of Jammu and Kashmir, were entitled to practise in the High Court of that State, or who would have been so entitled had they not been in public service on the said date, shall, for the purpose of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1962 (38 of 1962), and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of India, be admitted as an advocate on the State roll maintained in respect of the said State.

(2) Notwithstanding anything contained in this Act, every person who, immediately before date on which the provisions of Chapter III are brought into force in the State of Jammu and Kashmir, was en-

titled otherwise than as an advocate to practise the profession of law (whether by way of pleading or acting or both) by virtue of the provisions of any law in force in the said State, or who would have been so entitled had he not been in public service on the said date, may be admitted as an advocate on the State roll maintained in respect of the said State, if he—

(i) Makes an application for such enrolment in accordance with the provisions of this Act;

(ii) fulfils the condition specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24.

(3) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter III are brought into force in the State of Jammu and Kashmir, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force therein, or who does not elect to be or is not qualified to be enrolled as an advocate under sub-section (1) or sub-section (2), shall, notwithstanding the repeal by this Act of the relevant provisions of such law, continue to enjoy the same rights as respects practise in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.

(4) On the date on which this Act or any part thereof comes into force in the State of Jammu and Kashmir, the law in force in that State which corresponds to this Act or such part thereof which does not stand repealed by virtue of the provisions of section 50 of this Act, shall also stand repealed.”

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

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